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THE BURLINGAME MISSION:

A POLITICAL DISCLOSURE,

SUPPORTED BY

OFFICIAL DOCUMENTS, MOSTLY UNPUBLISHED.

TO WHICH ARE ADDED:

VARIOUS PAPERS AND DISCOURSES

ON

THE CLAIM OF THE EMPEROR OF CHINA TO UNIVERSAL SUPREMACY; THE TRUE NATURE OF ACTUAL DIPLOMATIC RELATIONS BETWEEN CHINA AND WESTERN POWERS; THE POSITION AND INFLUENCE IN CHINA OF ROBERT HART, ESQ., AS CONFIDENTIAL ADVISER OF THE TSUNG-LI YAMEN; THE HART-ALCOCK CONVENTION; THE DISPERSION OF THE LAY-OSBORN FLOTILLA; THE "NEW CHINESE UNIVERSITY"; THE POLICY OF THE UNITED STATES IN CHINA; THE NEW CHINA POLICY OF ENGLAND; THE WESTERN POLICY, AND THE DIPLOMACY, OF THE CHINESE GOVERNMENT; THE MASSACRE OF TIENTSIN; THE CHUNG-HO MISSION; THE AUDIENCE QUESTION;

AND

THE COMING WAR.

BY

JOHANNES VON GUMPACH.

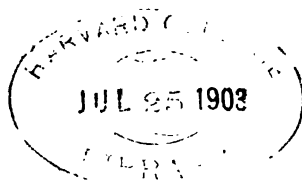
WITH TWO ILLUSTRATIONS.

SHANGHAI, LONDON, AND NEWYORK.

1872.

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Ch 1207



H. J. Coolidge.

31-84
17

TO
THE COUNCIL FOR THE FOREIGN COMMUNITY,
AND
THE GENERAL CHAMBER OF COMMERCE,
OF
SHANGHAI:

TO THE LATTER AS THE REPRESENTATIVE OF WESTERN ENTERPRISE AND INDUSTRY,
TO THE FORMER AS THE PROTOTYPE OF WESTERN ADMINISTRATION,
IN CHINA;
TO BOTH AS THE EXPONENTS TO THE FAR EAST OF THOSE COMBINED ELEMENTS OF
VITALITY, PROGRESS, AND ORDER,
WHICH, AT HOME, HAVE LED OUR OWN PEOPLES ONWARD IN THE PATH OF HAPPINESS,
PROSPERITY, KNOWLEDGE, FREEDOM, RELIGION, AND CIVILIZATION, AND, ABROAD, HAVE
EVER BEEN ATTENDED WITH THE FIRST-FRUIT OF THE SAME BLESSINGS TO
OTHER AND LESS FAVORED RACES,

THIS ESSAY

IS RESPECTFULLY DEDICATED

BY

THE AUTHOR.

P R E F A C E.

THE introductory and concluding remarks of the essay, here offered to the Public, leave the writer but little to say by way of preface. The book, indeed, is one of a class, which have to tell their own tale. No one can be more sensible of its defects and shortcomings, in part owing to its long-protracted progress through the press and other exceptional circumstances, than is the author himself : yet, taking it all in all, he ventures to think that, throwing, as it does, an altogether new light on the nature of our diplomatic relations with China, and revealing a state of things hardly suspected at home, it will be held not altogether undeserving of the attention of Western statesmen, nor be found devoid of interest to the Public at large ; whilst he indulges in a hope that, on the part of competent critics, it may lead to a full discussion of such questions, as admit, or to them appear to admit, of a difference of view and opinion. He is in no sense an adherent to the dogma of infallibility ; but holds to the good old adage : *Dies diem docet*.

Every literary production is, in our days, expected to teach a lesson, whether moral, historical, or otherwise. The simple truisms and facts, which it is the chief aim of the succeeding pages to impress upon, or to recall to, the public men and the Public of the West, are :—

That the Chinese are a semi-barbarous, conceited, and ignorant people, and their Tatar Government a semi-barbarous, arrogant, and treacherous Government, with whom it would

be simply irrational to treat on terms of equality, and to whom it would be positively suicidal to apply the laws, and to concede the privileges, of civilized nations.

That the Chinese Government, resting on the principle of Divine Absolutism and Supremacy, is, constitutionally and practically, the strongest Government in the world; and that no infringement of Treaties, no obstruction to the fulfilment of international obligations, no agitations and risings against foreigners can be initiated, carried on, or go unpunished, in China, without the will, instigation, concurrence, or connivance of the Government.

That the reactionary policy of the Chinese Government, for a while reduced to a system of passive obstructiveness, has once more assumed an active and vigorous character, with the view to a return to the old state of political and commercial isolation, and the expulsion of foreigners from the soil of China.

That the presence at Peking, contrary to a distinct understanding with the Tsung-li Yamên, of Robert Hart, Esq., Inspector-General of Chinese Maritime Customs, in the capacity of confidential political adviser of the Yamên,* has been productive of many and serious evils and consequences

* Dr. Rennie, in reference to a *tête-à-tête* interview, which Mr. Hart, during his first visit as Mr. Lay's *locum tenens* to Peking, had with Prince Kung, relates:—"Altogether, from a variety of questions the Prince put, he appears to be well posted up in what the movements of foreigners are. He looked at Mr. Hart's clothes, and *approved of pockets, which he thought a great convenience*". A few pages further on, Dr. Rennie observes: "Respecting Mr. Hart's visit to Peking, Mr. Wade tells me that he has made a most favorable impression on both the Prince and Wên-siang. The Prince spoke of him as 'Wo-mên-ti Ha-ta', meaning '*our own Hart*', and told Mr. Wade to tell him so, that he might know that the Chinese Government [the Tsung-li Yamên] *acknowledged him as belonging to itself*". (PEKING AND THE PEKINGESE during the first year of the British Embassy at Peking, by D. F. RENNIE, M.D., London, 1865, 2 vols. 8vo, vol. 1, pp. 259-60; 263-4).

tending to embroil the Governments of China and the West ; and has led, in connection with the Burlingame Mission, to a successful plot, in support of the pretensions of the Emperor of China to Universal Dominion and Supremacy, against the Sovereign dignity and rights of European Princes, and the diplomatic independence of Western States.

That the Audience question,—involving the formal acknowledgment by the Emperor of China of the Sovereign rights of European Princes and the political independence of Western States,—thus rendered at once more difficult and more urgent, has become the burning question of Chinese politics, and now imperatively calls for a solution ; and that, generally, the forms of diplomatic intercourse with the Chinese Government and its officials demand a thorough study and revision.

That the actual state of relations between China and the West, combined with the general policy of the Chinese Government, leave barely a hope for a peaceful termination ; that a war, even should it, by means of hollow concessions, be averted for the moment, will become inevitable ere long ; and that the necessity of preparing for it should be resignedly accepted by the Western Powers, and the Western Public.

That the coming war, like the past one forced upon the West by the perfidious and overweening Government of China, will not only be a just war, but may be so directed and conducted, as to give to it a character highly popular with the Chinese people ; that it will be a war involving but a small sacrifice of human life, and the cost of which China herself will be able to defray, without difficulty, out of her foreign Customs-revenue, at present and for years past almost exclusively devoted to military preparations against the West ; and that it will be a war, certain to open up to

Western enterprise and industry a field of surpassing vastness, and to the millions of the population of China the benefits and advantages of prosperity, knowledge, and civilisation.

That, pending an open rupture between the Chinese Government and any or all of the Great Western Powers, there are the dangers of a general massacre hanging over the foreign communities in China; and that these dangers should be provided against effectively and without delay.

That, before embarking in a new conflict with China, Her Majesty's Government, and the Western Governments generally, unless they be content to be driven into a similar and more and more formidable war every decennium, will have to concert and agree upon measures calculated to preclude a contingency of the kind in future, and which, on the one hand, will bring the frontiers of CHINA PROPER, with its Capital removed to Nanking, into immediate contact with Russia in the North, and British India in the West; and, on the other hand, place the Foreign Settlements in China, united into a self-governing League, in such a position, as will enable them to maintain a sufficient military and naval force for the protection of their independence, and the gradual peaceful extension of Western systems of administration over the whole of the Chinese lands.

The author would be unjust to himself as well as to those gentlemen, to whose political conduct in connection with the Burlingame Mission he has, as a loyal subject of Her Majesty, felt it to be his public duty to call the attention of Her Majesty's Government, were he not, in this place, to give expression to the pain, with which he has performed that duty. His opponents include men, for whom, personally, he entertains a high regard, and for none of them more so than

Dr. S. Wells Williams, Secretary of the United States Legation in Peking,—a gentleman, alike distinguished and honored for the many services, which he has rendered to his Government and to Western knowledge of China during a long and useful career in this country, his extensive information, and every virtue, social and domestic, which adorns private life.

Finally, the author would fain persuade himself, that the general reader, who is not deterred from a perusal of his book by the “hieroglyphs”, with which its earlier pages are interspersed, may find in it something to amuse and to entertain, as well as to interest and to instruct.

SHANGHAI,

The “ASTOR HOUSE” HOTEL,

October 16, 1871.

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"Imperial Messenger", 使臣, who has just dismounted, and is hurrying up to him, with the Imperial letter of command, encased in a yellow coverlet, slung over his shoulders. The position of this "Imperial Messenger", as here depicted, is identical with the position of "Imperial Messengers", 使臣, assigned to the Hon. Mr. Burlingame and his native co-envoys in the Emperor's Letters of Credence.

The Great Imperial Seal.—The inscription in ancient characters, reads:—
既受 "The dominion of the World (I, THE EMPEROR have) received from
壽命 Heaven; The splendour of past ages (of Dominion has) descended (on
永於 Me)". The seal, with a somewhat different inscription, was first intro-
昌天 duced by the great founder of the Chin Dynasty, Shü 'Huang-Ti,
B.C. 221 (42). The one at present in use is the *third* stone,—jade, it need
hardly be said. Our wood-cut represents the elegance of the Chinese characters
very imperfectly. We had considerable difficulty in getting it engraved at all.

CORRECTIONS AND ADDITIONS.

Page 21.—Note, bottom line, read "slightest" for "slight".

Page 24.—Note 1. The flag was first, at Mr. Hart's suggestion, proposed by Mr. Lay for the Osborn flotilla, but accepted neither by the English nor by the Chinese Government. The latter substituted for it a Dragon flag. (Blue-book, "China, No. 2, 1864").

Page 33.—Line 8, from bottom, supply "pending its success", between the words "that it was" and "to be absolutely kept".

Page 39.—Chinese text, invert the sequence of the two last columns.

Page 66.—Line 7, from top, read "We" for "we".

Page 83.—Line 6, from bottom, read 邦國 for 國邦.

Page 131.—Line 13, from top, supply "pang" between "word" and "(邦)".

Page 133.—Line 12, from top, read "offer up" for "offer".

Page 143.—Line 12, from bottom, read "have had" for "had".

Page 165.—At top, supply: "The Prince and the Ministers (of the Board for the General Control of Individual States' Affairs) convey the following for instruction".

Page 174.—Line 6, from top, read "1867" for "1866".

Page 209.—We have only just received the Blue-book "China, No. 2, 1864", relative to the Anglo-Chinese fleet, under the command of Captain Sherard Osborn, presented to the House of Commons on February 9, 1864. It leaves us nothing essential to add to our narrative.

Page 231.—Note 2, refers to "duplicity of view", line 5, from bottom, instead of "efforts" line 2, from bottom.

Page 256.—Line 12, from bottom, read "targetings" for "target".

Page 268.—Since the printing of the text, Sir Rutherford Alcock has resigned, and Lord Granville having, on January 27, 1871, conveyed to Mr. Wade, as British Chargé d'Affaires, and in reference to "the lamentable massacre at Tientsin", "the entire approval of Her Majesty's Government of the tact and discretion which have marked his proceedings, and of his efforts to allay the apprehensions and secure the safety of the British community in China, as well as to impress upon the Chinese Government the necessity of such a strict observance of their Treaty engagements as may insure the future maintenance of the friendly intercourse with other countries in which the political and commercial interests of the Empire are so greatly concerned."—it was natural to expect that the distinguished author of "Tzu Erh Chi" would be selected for the vacant post. We cannot but regard this appointment as one of the gravest errors, committed by Her Majesty's present advisers. Let us hope, that our anticipations of the future may not be realized, and that "Puck", (No. iii, Shanghai, 1871, 4to.) in transferring to his Excellency's lips the words from "King Henry V"—

Presume not that I am the thing I *seem*,
may have "driven the screw home". We have no other ground for hope.

Page 278.—Telegraphic communication between Hongkong, Shanghai, and Europe has now been established without any interference or even a protest on the part of the Chinese Government. This ignoring policy is a sound one—with a view to the coming struggle. Let Europe place no reliance on the telegraph.

Page 391.—Line 2, from top, omit "an English gentleman".

Page 395.—Add to Lord Granville's letter the date "Foreign Office, July 25, 1870. Sir,—", and the conclusion "I am Sir, etc., (signed) GRANVILLE".

Page 401.—Note, line 3 from bottom, "read "100,000,000" for "1,000,000".

Page 417.—Mr. Hart's "Admiralty" has fallen into a decline, and, at the present, may not inappropriately be described as "the Sick Young Lady".

Page 494.—The two or three Blue-books on Chinese matters, which have appeared since the printing of the text, and to notice which we have to defer to another occasion, tend only to support us in the opinion we have expressed of Mr. Wade. True, like the Hon. Mr. Low, His Excellency appears gradually and slowly to have awakened to a clearer perception of the actual state of affairs, and we cannot but do justice to the manly candour, with which he avows his changes of view: yet he continues to see through his immovable Mandarin spectacles, without suspecting that he is wearing them; and however much we are disposed to appreciate the many accomplishments, and excellent qualities, which distinguish Her Majesty's present Representative at Peking, his unfitness for this particular post seems to us patent.

Page 536.—Since the departure of M. Déveria, M. Lemaire, Chief Interpreter to the French Legation at Peking, returned from leave of absence; but was, a few months subsequently, sent by the French Chargé d'Affaires on a new Mission to Paris. A telegram, dated London, November 27, 1871, has just been received in Shanghai to the effect, that M. Thiers has accepted Chung-Ho's apology.

Page 537.—Line 9, from bottom, read "Mr. H. O. Brown", for "Mr. James Brown".

Page 568.—Since the text has been in print, the situation has undergone no essential change. The Chinese Government continues to pursue its temporizing policy. Delay is still its watchword. The Emperor's marriage and assumption of the reins of Government has been postponed for a while. The Audience question is burning hotter and hotter. The crisis, though retarded by various circumstances, is slowly approaching. Meanwhile the Chinese have been intent on completing their preparations for war. Immense quantities of *matériel de guerre*, including ordnance of the heaviest calibre and the most improved construction, have been imported from abroad. The Chinese arsenals are being worked night and day. Hale's rockets and torpedoes are manufactured in abundance. New gun-boats,—now exclusively officered and manned by natives,—have been added to the Imperial and Provincial Navy; new forts erected and armed; new military encampments formed along the coasts; new arsenals and powder-mills, solely under native officials, ordered to be established; new foreign drill-masters engaged. In short, there is being manifested on the part of the Chinese Government an activity, inversely proportionate to the apathy, which prevails at home. The final issue of the coming struggle can be subject not even to the shadow of a doubt: its preliminary incidents—who would be bold enough to foretell them?

Page 571.—The case is much stronger, than is represented in the text. See additional Note to pp. 801/812 below.

Page 572.—Mr. Hart's purely egotistical, sickly, and illogical philosophy (5, 2; 246; comp. 15) has found its way into our very Government offices. Referring to certain views of Sir Rutherford Alcock, the Secretary to H. M. Board of Trade, in a letter dated May 19, 1869, writes to the Under-Secretary for Foreign Affairs the Rt. Hon. J. Hammond:—"This view is expressed even more emphatically by Mr. Hart who, in his *very able* (!) letter to Sir Rutherford Alcock of December 4, 1868, says: 'Of course, force will wrest anything from China; but *wherever there is action there is reaction*'; and as sure as natural laws continue to act, so sure it is that appeals to force in one way will give to the men of a later day a *heritage of vengeance*—the Europeans of some future day may wish that their forefathers had not sown the seeds of *hatred* in the bayonet-ploughed soil of Cathay'".—(Papers relating to Foreign Affairs, Washington, 1870, 8vo., p. 324). Now, really, this may be truly Irish, and emphatically poetical: but it is as positive *nonsense*, as has ever excited the admiration of any liberal Member of the English Government (comp. 4—5).

Page 590.—The Tsung-li Yamen's Memorandum on the Missionary question has since been published. We intend to treat of the whole subject on a future occasion.

Mr. Wade would seem to have mislaid the document somehow. H. M.'s Government had to place on the table of the House of Commons a copy—being the translation of a translation—borrowed from the occasion from the Foreign Office of France.

Page 595.—Line 1, from top, read "to read" for "read".

Page 595.—Line 3, from top, supply, after "introduction", the words "into the Celestial Empire".

Page 629.—*Note, line 15, from top, read "disavowed" for "discovered".*

Page 647.—Line 10, from top, read "to join" for "join".

Page 657.—Line 5, from bottom, read "29" for "28".

Page 679.—Line 19, from top, read "when he, perhaps, never" for "when he never".

Pages 801/812.—Line 15, from bottom. Mr. Hart's appointment by the Tsung-li Yamén is dated November, 1863. The translation, published in the Blue-book "China, No. 2, 1864", contains the following paragraphs:—

"The Prince of Kung [Tsung-li Yamén] issues these important instructions to Mr. Hart, for his information and guidance.

"Mr. Lay has been dismissed from the post of Inspector-General of Customs, and has been instructed to proceed to Shanghai to wind up everything still unsettled by him, and We (knowing that) you, from the date of your entering the Customs to the present time, have at all times acted harmoniously and with success, hereby appoint you to the post of Inspector-General of Customs Affairs. You will reside and transact all business at Shanghai; and if any important question arise, you are authorised, as heretofore, to come to the capital as occasion requires, to report and deliberate thereupon.

"You will report, as it may be necessary, all matters of daily occurrence at the several ports both on the northern and southern sea-board, and on the Yang-tze, to their Excellencies Li or Chung, as the case may be, Ministers Superintendents of Trade, and will abide by their instructions.

"Your prudence, tact, and experience are known to all, both Chinese and foreign, and it will behove you to be still more careful and diligent, so as to justify your present appointment".

To Sir Frederick Bruce the Tsung-li Yamén, on November 15, 1863, wrote:—
"The Prince [the Tsung-li Yamén, i.e. the temporary 'Commission for the General Control of Individual (Tributary-) States' Affairs', of which Prince Kung is the Chairman] has now appointed Mr. Hart to the post of Inspector-General of all the Customs Affairs. Inclosed are copies of the letters (of dismissal) to Mr. Lay, and of the letter appointing Mr. Hart Inspector-General of Customs, the purport of which the Prince would request the British Minister to communicate to the Consuls at the several ports".

In his despatch of November 27, 1863, to Earl Russell, then Secretary of State for Foreign Affairs, the British Minister in Peking, Sir Frederick Bruce, wrote:—
"Mr. Hart is appointed in his (Mr. Lay's) place, and I trust that the change will make the Custom-house work more smoothly. He will reside on the coast, coming here when sent for on business. It is very desirable, with a view to the maintenance of the Custom-house administration, that the head of it should not be permanently at Peking, for if he is", Sir Frederick naively adds, "he is supposed to act as the adviser of the Chinese in matters not appertaining to his office, and thereby incurs the odium of the errors they commit".

Here, then, we have the full confirmation of our statements to the effect—

1. That Mr. Hart was appointed to succeed Mr. Lay, on the condition of residing in Shanghai; and, that condition remaining in force, that his permanent presence in Peking is of itself illegal.

2. That Mr. Hart has not even from the Tsung-li Yamén received a formal instrument of appointment as Inspector-General of Imperial Chinese Maritime Customs; but that his appointment was simply notified to him in a general letter of instructions from the Tsung-li Yamén, written as usual in the third person.

3. That Mr. Hart's informal appointment by the Tsung-li Yamén not having been sanctioned by Imperial Rescript, and neither the Tsung-li Yamén nor Prince Kung possessing the power to admit any person, whether native or foreigner, into the Imperial service, Mr. Hart is not "a servant of the Imperial Government of China", but simply the hired servant of a servant of that Government—the Tsung-li Yamén.

4. That Mr. Hart is not "Inspector-General of Imperial Chinese Maritime

Customs"; but Foreign Head-Inspector of Chinese Foreign-Maritime Customs, not recognised by the Chinese Government, and, as the subordinate of the native *Superintendents of Trade*, placed under their instructions; the same as his immediate foreign subordinates, the *Inspectors* (usually styled "Commissioners") of Customs, are placed under the instructions, of the native *Superintendents of Customs*, as their subordinates.

We should still observe that the despatches of the Tsung-li Yamén are never written in the name of Prince Kung, but invariably in that of "the Commission" in question, and in the third person; and that the translation, which we presume to be Mr. Wade's, if correctly reproduced in the Blue-book, is undoubtedly a wilfully false one. Had Prince Kung assumed the Imperial "We",—by which the translator evidently intends to convey the impression that Mr. Hart was Imperially appointed,—his Highness would simply have had to pay for that greatest of Chinese crimes with his head. For "and We (knowing that) you...have at all times acted harmoniously and with success, hereby appoint you to the post of Inspector-General of Customs Affairs", the translation should read: "and your conduct having at all times been in harmony (with our—the Tsung-li Yamén's—wishes) and attended with success, you are hereby appointed...", etc.; whilst in the despatch to Sir Frederick Bruce the rendering, in all probability, should be: "of Customs Affairs", for: "of all the Customs Affairs".

In the present state of things, it appears to us absolutely necessary, that H. M.'s Foreign Office should order all translations of Chinese official and other documents, and English documents translated into Chinese, to be sent home accompanied by copies of the Chinese texts and versions, and to appoint competent Chinese scholars to verify, and report upon, such translations to the Foreign Office.

Page 834.—Line 2, from bottom, read "night" for "right".

Page 867.—Line 15, from bottom. In a despatch dated Peking December 23, 1862, to Earl Russell, Sir Frederick Bruce wrote: "I have the honor to inclose copy of a despatch from the Prince of Kung, protesting against the attempt to sue before British Tribunals British subjects in the service of China for acts done by them in the exercise of the authority confided to them. Also copy of a Mandamus issued by the Supreme Court of Hongkong to Mr. Consul Medhurst, directing him to try the case of Bowman v. Fitzroy, for seizure of goods, as a Customs officer, to which case the Prince alludes". (Blue-Book, China No. 3, 1864, p. 31). The British Minister supported Prince Kung. Messrs. Bowman & Co. maintained that the seizure had been wrongfully made. The Prince, or rather the Tsung-li Yamén, in its despatch to Sir Frederick Bruce of October 24, 1862, rests its arguments on the following facts:—"It is laid down in the Treaty. Art. xlv, that the Chinese Customs"—the Treaty has 'the Chinese Authorities', for which Sir Frederick substitutes 'China'—"shall adopt whatever measures seem best fitted to secure the protection of the revenue; and in Tariff Rule 10, that the high officer charged with the superintendence of Foreign Trade is at liberty to engage British subjects to aid in the prevention of smuggling. Accordingly in January 1861 the Prince, (i.e. the Tsung-li Yamén) addressed a despatch to Mr. Horatio N. Lay, expressly appointing him Inspector-General of Customs, and directing him to engage a number of Englishmen of good character to assist in various subordinate offices at the different ports. In the spring of 1861 Mr. Lay applied for leave to return to England for the benefit of his health, and the Prince in a second despatch instructed Mr. Fitzroy and Mr. Hart to administer the functions of Inspector-General together jointly, Mr. Fitzroy continuing to discharge the duties of Commissioner at Shanghai, his proper station". (Blue-Book, China No. 3, 1864, pp. 32—36.)

The Rule 10, alluded to, reads thus:—"Collection of Duties under one system at all Ports. It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue, accruing on British trade, it is agreed that one uniform system shall be enforced at every port.

"The high officer appointed by the Chinese Government to superintend foreign trade, will, accordingly, from time to time, either himself visit, or will send a deputy to visit the different ports. The said high officer will be at liberty, of his own choice, and independently of the suggestion or nomination of any British authority, to select any British subject he may see fit to aid him in the administration of the Customs revenue; in the prevention of smuggling; in the definition of port-boundaries; or in discharging the duties of harbour-master; also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage-dues".

The high officer, or rather officers, directly appointed by the Chinese Government to superintend foreign trade, and who are independent of the Tsung-li Yamén, though they correspond with it, were at the time their Excellencies Li and Chung, mentioned in the preceding additional note to pp. 801/812, and as whose *foreign subordinate* Mr. Hart was nominated Head-Inspector of Customs by the Tsung-li Yamén. That the Yamén simply arrogated to itself this "privilege of selection", and that no authority to appoint foreign inferior employés having ever been granted to Mr. Hart by the native Superintendents of Trade, such authority belongs to the latter alone, we have just seen. Hence, it would appear obvious, that all the appointments of foreigners, employed in the Chinese Customs service, are irregular and illegal; that, strictly speaking, Mr. Hart is not even in the service of the Tsung-li Yamén, but, as a foreign 'aid' or subordinate, in no manner or way connected with the Chinese Government and irregularly appointed by the Tsung-li Yamén, in the personal service of the native Superintendents of Trade; and that the foreign subordinates of the Head-Inspector of Customs, in their turn, are in the personal service of Mr. Hart.

To return now to the case of *Bowman v. Fitzroy*. Earl Russell's reply to Sir Frederick Bruce, dated Foreign Office, August 14, 1863, is to this effect:—"Sir,—Her Majesty's Government have had under their consideration, and they have consulted the Law Officers of the Crown upon your despatch of the 23rd of December last, and its inclosures, respecting the protest of Prince Kung against the attempt made to sue, before British Tribunals, British subjects in the service of China"—compare the preceding paragraph—"for acts done by them in the exercise of the authority confided to them.

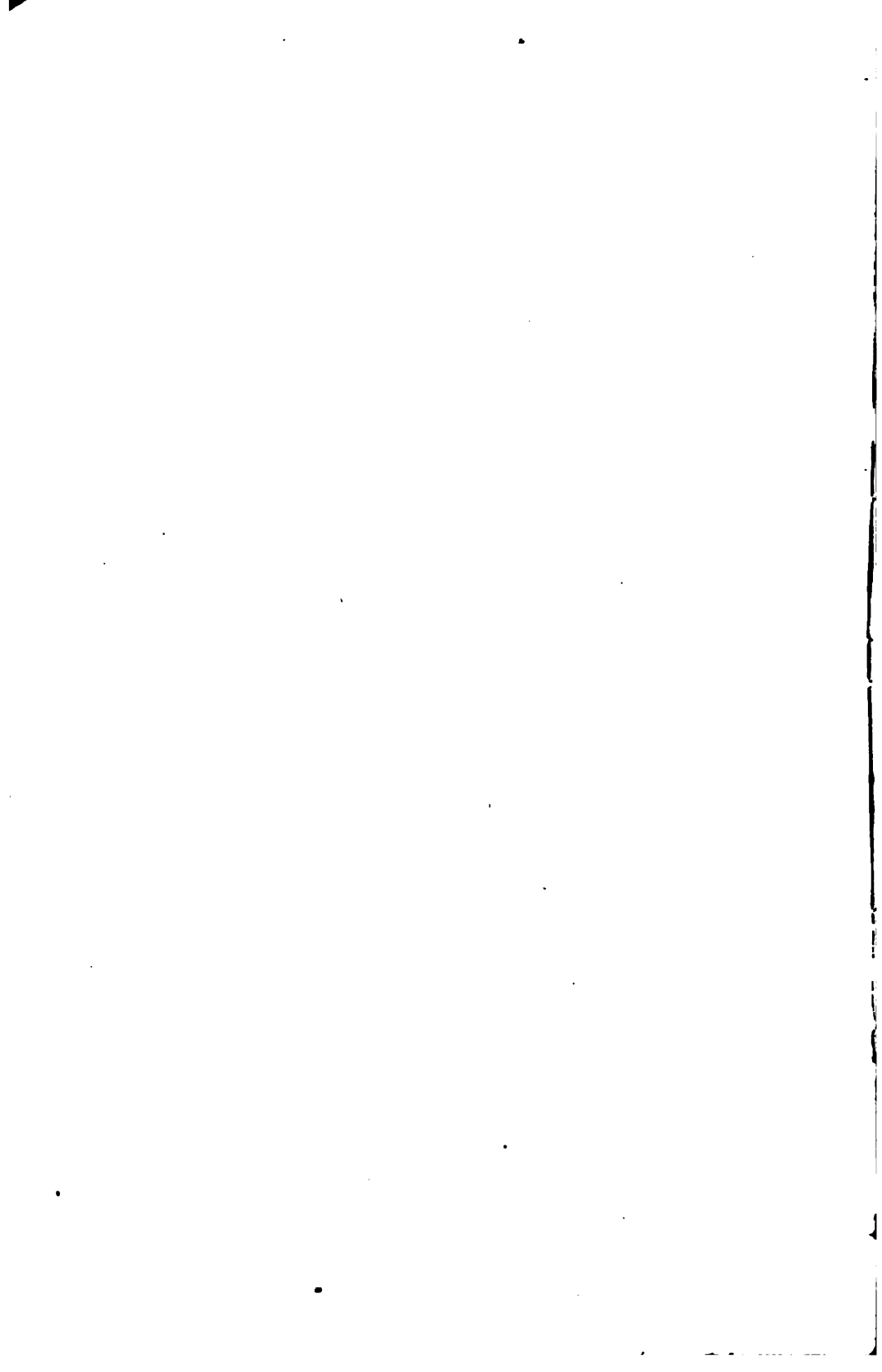
"I have now to state to you that it appears to Her Majesty's Government that you have fallen into an error by confounding two distinct questions, viz., a question relating to the infringement of rules, made under the Order in Council of the 13th of June, 1863, and a question as to alleged civil liability as between British subjects in the Consular Courts in China.

"It appears to Her Majesty's Government that you are mistaken in treating the question, which you have referred to them for decision, as depending upon the 4th and following Articles of the Order in Council. Those Articles relate to the infringement of the Treaty and other Regulations, and to the punishment of such infringements by penalties, and not in any way to civil suits.

"But in the present case a difference has arisen between 'British subjects', that is, the complainant and the person complained of are both British subjects. To such a case the 12th Article of the Order in Council applies, and the Consul of the district is competent to hear and determine the matter...This proceeding before the Consul will be 'a suit of a civil nature', and Her Majesty's Government are of opinion, that the suit ought to be entertained under Article 12 of the Order in Council...(Blue-Book, China, No. 3, 1864, p. 94).

The principle here laid down, is very clear. In reference to the particular case in question, Earl Russell remarks:—"Her Majesty's Government also think that the Court, which should entertain the suit, would be bound to give judgment for the defendant, upon the fact of his employment as a Chinese functionary in the Chinese Customs being either admitted or proved, for Her Majesty's Government conceive that a British subject so employed is not civilly answerable in the British Consular Courts for acts done by him in his official capacity". As the case of the Professor is an utterly different one from the case here referred to, we have no desire to raise the legal issues involved in the latter. The former would lose none of its strength, even were Mr. Hart assumed to be, as Inspector-General of Customs, in the service of the Imperial Government of China,—which he is not. We cannot, however, abstain from observing that, were the Lords of the Judicial Committee of Her Majesty's Privy Council to admit the identity of the Tsung-li Yamén, as an Imperial "Commission for the General Control of Individual (Tributary-) States' Affairs", with the Chinese Government: their Lordships would thereby formally admit the British Dominions to be a dependence, and Her Most Gracious Majesty, the Queen, to be a subject, of the Emperor of China.

THE BURLINGAME MISSION.



THE BURLINGAME MISSION.

§ 1.

INTRODUCTORY REMARKS.

1. Full two years have elapsed since the Foreign diplomatic body, resident in Peking,¹ were startled by the intelligence that the Hon. Anson Burlingame, at that time the accredited Minister Extraordinary and Plenipotentiary of the United States at "the Northern Capital," had accepted a political mission from the Chinese Government, to proceed, together with two native officials of rank, as Ambassadors Extraordinary of China, to the various Courts of America and Europe in treaty-relations with the Ta-Ching Empire. This Mission has now become a matter, so to speak, of history as well as of notoriety; its real origin and objects have gradually emerged from the obscurity, in which they were at first wrapped up; its progress through the United States, England, France and the North of Europe has been duly chronicled in most, and indifferently portrayed in some, of the numberless newspapers and periodicals of those countries; and its diplomatic results are at least sufficiently known, to permit a tolerably fair judgment being formed as to their general bearing on the future relations of China to Europe, and the peculiar position, assumed in regard

¹ In conformity with the Southern standard of pronunciation, the name 北京 i. e. "the Northern Capital," is properly written *Peking*. As, however, the spelling *Pekin* is frequently substituted for it, we may as well observe for the information of the reader not conversant with the Chinese language, that in the word *Peking*, *pe* (pronounced *pey*) represents 北 "the North," and *king* (in the normal idiom of the Capital itself pronounced *ying*,) 京 "the Capital"; and that the sound *kin*—or *jin*—may in Chinese signify "a napkin," "a catty," "gold," "metal," and yet a dozen different things, except a Capital or a city. The Chinese themselves call Peking simply 京 "the Capital," namely, according to their notions, the Capital of the one universal Empire of the World.

to these relations, by the American Government. It has, therefore, seemed to us that a clear, succinct, and impartial review of the Mission by an eye-witness of its mysterious birth, who has neither part nor interest in it beyond that of a simple spectator; whose national bias is not sufficiently strong to preclude his sympathising with a people of a different race; and who, while anxious to respect the just susceptibilities of others, will allow no personal considerations of his own to stand between him and plain-spoken truth, might at the present time not only be acceptable to a large portion of the public, to whom the progress of civilisation in these vast realms, the well-being of a third portion of the human race, and the question of peace or war with China are not matters of indifference; but prove instructive even to Western statesmen, and possibly yet exercise a modifying influence on the Chinese policy, which the Home Government has been led to adopt, too rashly, on the strength of representations urged upon its consideration by the Hon. Mr. Burlingame.

2. The moment for such a review appears the more opportune, as the Chinese Mission, originally limited to a space of time not extending beyond the present epoch, has just entered into a new phase of prolonged existence. After the first excitement, consequent on the extravagant speeches which the Hon. Mr. Burlingame, disregarding truth and policy alike, addressed to America,—momentarily won over by the novelty of the scene, and the flattering partiality, ancient Cathay was supposed to have evinced, in the choice of an

¹ The "Mixed Court" of Law, presided over by Chinese and European Magistrates conjointly, is one of the established institutions of Shanghai.

² Our readers may remember the exuberant descriptions of the ball, here alluded to, and which at the time appeared in a portion of the Paris Press. It was particularly noticed, that the champagne, liberally supplied to the Reporters, was "of the best quality throughout."

³ "A New York paper mentions that a flag has just been manufactured in Boston to the order of Hon. Anson Burlingame, for the use of the Chinese Embassy, which will be displayed from the quarters of the distinguished visitors in all the principal places they visit during the fulfilment of their mission. The flag is made of yellow bunting, with a blue border, measures 30 x 20 feet, and bears upon it a monster dragon painted in blue and extending its entire length." (The London and China Express, July 17, 1868.) Why the Hon. Mr. Burlingame had the "Yellow Dragon" painted blue, we are at a loss to imagine, unless it was because of the yellow bunting.

Ambassador, for her fair and youthful Atlantic cousin,—had subsided, and the enthusiasm, created by empty rhetoric, died away in the United States; after the Mission, fervently supported by the British Minister in China, Sir Rutherford Alcock, had in England gained a signal victory over the ill-directed policy and remarkable ignorance, as to Chinese affairs, of the Gladstone Cabinet, counselled by Mr. Wade, the then Secretary of the English Legation at Peking, with his ultra-Celestial views and tendencies on leave of absence in London; and after a splendid reception, accorded to the Mission in Paris by the Emperor's pleasure: the Hon. Mr. Burlingame found himself face to face with the sober judgment of the clear-sighted and well-informed statesmen of France; and there succeeded, in the hitherto triumphant progress of the Mixed Triumvirate¹ a long and ominous pause. For one night, a brilliant *soirée* at the Hôtel of the Embassy, illuminates the gathering gloom. But, suddenly, the news of the Yang-chow outrage dissolves the fumes of the champagne²; and the reminiscences of the polka are dispelled by the massacre in Sze-chuen. A cloud passes over the Representatives of "the Son of Heaven;" the Yellow Dragon recoils within its blue Bostonian borders;³ and in order to complete the temporary discomfiture of the Knights Errant of the Shining Cross, as the Messengers of "the Great Exalted Monarch and High-priest of the World" have—most irreverently—been designated, the telegraphic wire, so justly held in abhorrence by the Fung-shúe⁴ and a Government longing to enter the comity of

⁴ What the Fung-shúe, 風水, is in reality, nobody seems to know, although every body knows it to be some kind of superstition, of which, as hostile to all progress and improvement, the Chinese Government and officials, in their relations with us, make capital. We fear, the Fung-shúe reigns paramount not in China alone. The usual translation of 風水 is "wind and water" or "wind's water." It conveys no intelligible meaning. But another and common signification of 風 is "custom," as that of 水 is "stream," "current." Taking 風水 in this sense, it would be equivalent to "the Stream of Custom"—as we say "the Stream of Time,"—i. e. "Established Custom;" and that such was, indeed, the primitive meaning of the term, and that it was chiefly applied, as it is to this day, in reference to the position to be given to temples, houses, graves, and buildings in general, may still be rendered probable. The educated Chinese smile, and the people laugh, at the idea of the Fung-shúe interfering with railways, mining operations, or any other useful undertakings.

nations, conveys to Europe the Hon. Mr. Ross Browne's experience of the progressive spirit of the Tsung-li Yamên,¹ together with the intelligence, that China repudiates the Treaty-supplemental, concluded by its Representatives between the Ching Empire and the United States. A crisis had arrived. Nor did it find the Hon. Mr. Burlingame unequal to the occasion. The Press of Paris and London announced "on authority," that a telegram had been received from Prince Kung, intimating, on behalf of the Imperial Government, that the new Treaty-articles were to be ratified; and the First Secretary of the Mission, Mr. John McLeavy Brown, was at once despatched to Peking, to obtain, if possible, in exchange for a fraction of the *personale* of the Hon. Mr. Burlingame's *suite*, the verification of the telegraphic announcement. He succeeded, though not without difficulty, in the delicate mission confided to him. Necessity pleaded his cause; the Treasurer of the Chinese Maritime Customs and the Tonnage-Dues gave both his influence and his aid; and once more, while we are writing these lines, Mr. Brown is on his way to the United States and Europe, to rejoin, after depositing the ratified Treaty at the Capitol, his distinguished Chiefs with an extended lease of the Mission, and the ways and means for its future expenditure on a somewhat reduced scale.

3. Without any further preamble, then, we may be permitted to apply ourselves to a task which, though self-imposed, is not likely to prove a grateful one, and which a sense of public duty alone could have induced us to undertake. In a case, which exhibits Eastern state-craft in conflict with Western diplomacy, and in which the former, seconded by intriguing Europeans, finds willing instruments among the members of the latter, would it be possible to avoid or ignore personal elements, which so essentially affect the

¹ See: "Addresses presented by the American and British Communities of Shanghai to the Hon. J. Ross Browne U. S. Minister at Peking and His Excellency's Reply; together with a Letter addressed by Mr. Browne to Prince Kung regarding material progress in China," Shanghai, 1869, 8vo.

² "There is no legislative or judicial authority recognized by all nations, which determines the law that regulates the reciprocal relations of States. The origin of this law must be sought in the principles of justice, applicable to those relations..... The enquiry must then be, what are the principles of justice which ought to regulate the mutual relations of nations, that is to say, from what authority is international law derived? When the question is thus stated, every publicist will decide it accord-

discussion, and the discussion of which is yet so liable to give umbrage, if not offence?

4. In the absence of a universally recognised standard of appeal,² there would, we conceive, be but little use in here considering the question,—Whether a nation, like an individual, has the right of excluding itself from intercourse with the rest of the world, or, restricting such an intercourse to a given number of geographical points of contact, to seal up its territories at large against the influences of a foreign system of religion and morality, of a state of civilisation, and a condition of material comfort, far in advance of, and, if not in all certainly in most respects, superior to their own? In our judgment, no nation has such a right.³ But even if this right existed, the Chinese are probably the last people, who would wish to avail themselves of it. On the contrary: from all we have been able to gather,—and we have consulted the best, the most reliable, and the most various sources of information, confirmed by our own limited experience,—there is, perhaps, no country in the world, in which a well-conducted stranger meets with so much outward civility and kindness, and in which so strong a disposition to barter and trade, whether with their own countrymen or with foreigners, exists on the part of the entire bulk of the population, as in China. Hence we may draw the legitimate conclusion, that it is not the will of the Chinese nation, nor the desire of the Chinese people, but, in opposition to both, the exclusive policy of their Manchu Government and the exclusive interest of their Tatar masters, supported by that of the dominant class of officials, which would restrict or fetter foreign intercourse, and maintain in China, as the most effectual barrier to every progress and beneficial change, a state of hereditary isolation. Yet, if there be any truth in one of

ing to his own views, and hence the fundamental differences which we remark in their writings.”—*Elements of International Law* by Henry Wheaton, L.L.D.; second annotated edition by W. B. Lawrence, London, 1864, 8vo., p. 1.

³ Such is essentially also the opinion of Dr. Heffter, “one of the most recent and distinguished public jurists of Germany” (Wheaton’s *Elements of International Law*, p. 14), who observes: “Soll ein dem höchsten Ziel des Völkerrechts entsprechender Verband unter Nationen bestehen, so müssen sie sich auch einem gegenseitigen Verkehr zum Austausch ihrer geistigen und materiellen Mittel öffnen, deren die menschliche Natur zu ihrer Entfaltung bedarf.”—*Das Europäische Völkerrecht der Gegenwart*, 3te Aufl. Berlin 1855, 8vo., p. 61.

the leading principles of their own constitutional system,—a principle which virtually responds to the maxim: *Vox populi vox Dei*,¹ at present in Europe, too, so greatly in the ascendant: the Government of China, far from being justified to disregard the wishes and the interests of the people, as opposed to the dynastic interests and the personal policy of its rulers, is bound by every law and command inculcated in the sacred books, by every precedent established by the most eminent sovereigns, of the nation, to consult those wishes and to advance those interests to the utmost.

5. Not too much stress, it seems to us, can be laid on the two points just alluded to. For, every difficulty which has arisen between China and England since the opening of commercial rela-

¹ This maxim is almost literally enounced in a passage of the Shu-king, which reads: 天視自我民示天聽自我民聽, "Heaven sees even as my people see; Heaven hears even as my people hear." It is the Emperor Wu, who thus speaks; 書經, 泰誓中, Dr. Legge's edition of "The Chinese Classics, with a translation, critical and exegetical notes, prolegomena and copious indices, vol. iii. Hongkong 1865, 8vo. p. 292.—In the same sense the notorious Commissioner Yeh wrote to Lord Elgin on the 14th December 1857: "The direction of the popular mind is the direction of the will of Heaven" (Papers relating to Foreign Affairs, Washington, Government Printing Office, 1859-60, vol. x, 8vo., p. 140.)

² Mr. Hart, in his "Note on Chinese Matters," as published by the Hon. Mr. Ross Browne, states, in speaking of the Supplemental Treaty, concluded by the Burlingame Mission with the United States:—"Taking my view of progress in China, and regarding it"—he, of course, intends the pronoun to refer to progress in China, not to his view of it—"as likely to be accelerated in proportion to the acuteness, to which"—acuteness?—"China feels the wants of material strength,"—dominion? conquests?—"I fancy that, were all countries to join in making the same sort of a treaty, the result would be that China's feeling of want of strength"—want of strength is, of course, but another term for weakness—"would be weakened, and her progress proportionately retarded, if not stopped."—Now, despite of Mr. Hart's feeble grammar and feebler syntax, it manifestly would follow from his mode of arguing, that progress, in China, will be proportioned to the national wants, which an acute consciousness of national material strength is wont to produce; and what other forms do such wants usually assume, save those of conquest? On the other hand, it would follow, that the more the consciousness, on the part of China, of actual weakness is weakened, the more will progress in China be retarded. What does, what can Mr. Hart mean, if he mean anything at all? Listen we to his explanation. "The condition," he writes, "of all progress is, that a want shall be felt; it is when a want is felt that the mind seeks to supply it, and some wants are such, that, in the attempt to satisfy them, they create other wants; there is a fountain want, which once tapped, will make a channel for itself, and rush onward in a vivifying stream. China has such a master-want—the want of material strength,"—Mr. Hart, who is an Irishman, evidently by "the want of" here understands "the desire for,"—"and, in natural life, to feel that want, is at the bottom of all wants—it is the parent of all progress." Here lies the error of Mr. Hart's strange philosophy. A strong desire

tions between the two countries, may be traced to a settled determination, on the part of the powers ruling the former State, to yield no facilities for intercourse and trade except to physical force, and to evade or neutralize, by every indirect means at their command, the concessions actually wrung from them. Twice already that determination has led to a war, humbling to their pride and disastrous to their prestige. Still, it is this same determination, increasing in energy and strength with the re-increasing strength of the Government,² which, on the eve of the revision of the Treaty of Tientsin and at the risk of another war, set on foot "the Burlingame Mission," and stirred up those temporary troubles at various points in the interior of China, which have been regarded in so erroneous a

for material strength has always a destructive tendency, and is opposed to intellectual progress and civilisation. "She (China)" he proceeds to argue, "*is attempting to satisfy that want; in that attempt to supply a want to which she has become keenly alive, other wants are making themselves felt;*"—true, but such "wants," i. e. desires, will always partake of the nature and character of "the fountain-want," which, consequently, will rush onward, not in a vivifying stream, but may be in a destructive and barbarising torrent,—*"and the number of wants"*—i. e. desires, let it be well remembered, for material strength—"will increase, and just as she succeeds of herself in supplying one, so will China's determination to satisfy the others become keener, and," Mr. Hart most illogically adds, "be exercised after a more intelligent fashion. Thus, in her attempt to become strong *physically*, China has to my mind, entered upon a career of improvement, and will, step by step, develop resources, create industries, and achieve progress materially, *intellectually, morally*. I therefore am daily more inclined to believe, that *the true policy is to 'leave her alone.'*" In these few words: "*leave her alone*" lies the gist, the aim, and the policy, of Mr. Hart's glaring, though ingenious illogic. For four thousand years China has been left alone; and what has been her career of improvement, to mark that immense space of time? For four thousand years she has been left alone: what fresh resources has she developed, what new industries created, during those forty long centuries? For four thousand years she has been left alone: what progress, material, intellectual, moral, has she achieved throughout the entire course of human history? She has had her periods of material strength: for what other purposes has she used it, except for the purposes of conquest, seclusion, and isolation? Yet, Mr. Hart urges: *leave China alone*! in order that once more she may regain that *material strength, for which she is craving*—craving to what end? To the end that she may drive the "outer barbarian," who has invaded her seclusion, forced improvements upon her weakness, and threatens with the further development of her resources, her industry and her natural wealth, back again from the polluted soil of her isolation into the sea. Such is the sole "want," the sole desire, the sole dream, which the Chinese Government is just now so "*keenly*" pursuing: and the dream, the desire and the "want" of the Chinese Government are the "want," the desire and the dream of Mr. Hart. We fear, his mind is either ill constituted, or ill trained: Would it not be as well, if, acting up to his own advice, he were to "*leave China alone*," and, before presuming to meddle with her destinies, to devote himself, for some years, to the study of history, logic and English grammar?

light at home, and were, as a political manoeuvre of the Tsung-li Yamén, solely intended, failing the thunder of iron-clads, to lend an intimidating effect to the presence of the Triumvir-Embassy at Windsor Castle, and to render the Hon. P'u-Ngan-Chên's ¹ harangue at the Tuileries more impressive.

¹ P'u-Ngan-Chên = 蒲安臣, is the official transcription, in Chinese characters, of "Burlingame"; see the Imperial Rescript ordering his appointment, and his Letter of Credence, below. By abbreviation, he is simply called P'u or Pooh.

§ 2.

ORIGIN OF THE MISSION.

6. The announcement of the Mission was made by the American Minister to his astonished colleagues about the middle of November 1867. In the American official "Papers relating to Foreign Affairs" ¹ we read :—

"Mr. BURLINGAME to Mr. SEWARD.

Legation of the United States,
Peking, November 21, 1867.

SIR,—In the interests of my country and civilisation, ² I do hereby resign my commission as envoy extraordinary and minister plenipotentiary from the United States to China.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD,

ANSON BURLINGAME.

Secretary of State, Washington, D.C.

Mr. BURLINGAME to Mr. SEWARD. ³

[Telegram.]

United States Legation,
Peking, November 23, 1867.

Chinese empire appointed me envoy to treaty powers. Accepted.
Leave at once for San Francisco.

Hon. WILLIAM H. SEWARD,

ANSON BURLINGAME.

Mr. CLAY to Mr. SEWARD.

Legation of the United States,
St. Petersburg, December 13, 1867.

SIR,—I enclose you the following [preceding] telegrams from the Hon. A. Burlingame. It seems he is made the Commissioner of the Chinese Government with treaty powers, and leaves at once for San Francisco, November 23, 1867.

I am, sir, your obedient Servant,

Hon. WILLIAM H. SEWARD,

C. M. CLAY.

Washington, D.C.

¹ Papers relating to Foreign Affairs, accompanying the Annual Message of the President; Washington, Government Printing Office, 1869, 8vo., Part i, pp. 493, 461, 494.

² In the interests of the Hon. Mr. Burlingame's civilisation? The despatch of Dec. 14th to the Hon. Mr. Seward has: "In the interests of *our* (country and) civilisation." The "Chinese Empire's envoy" would seem to share the grammatical failing of his distinguished friend, the Inspector-General of Chinese Maritime Customs.

³ This telegram, which should have been inserted in its proper place, in the Papers relating to Foreign Affairs, p. 493, will be found in the Correspondence relating to Russia, p. 461.

Mr. BURLINGAME to Mr. SEWARD.

Shanghai, December 14, 1867.

SIR,—You will have learned from my telegram from Peking of my appointment by the Chinese Government as "envoy" to the treaty powers, and of my acceptance of the same. The facts in relation to the appointment are as follows:—I was on the point of proceeding to the treaty-ports of China, to ascertain what changes our citizens desired to have made in the treaties, provided a revision should be determined upon, after which it was my intention to resign and go home. The knowledge of this intention coming to the Chinese, Prince Kung gave a farewell dinner, at which great regret was expressed at my resolution to leave China, and urgent requests made that I would, like Sir Frederick Bruce, state China's difficulties, and inform treaty powers of their sincere desire to be friendly and progressive. This I cheerfully promised to do. During the conversation Wensiang,² a leading man of the empire, said, "Why will you not represent us officially?" I repulsed the suggestion playfully, and the conversation passed to other topics. Subsequently I was informed that the Chinese were most serious,³ and a request was made through Mr. Brown, Chinese secretary of the British legation, that I should delay my departure for a few days, until a proposition could be submitted to me. I had no further conversation with them until the proposition was made in form, requesting me to act for them as ambassador to all the treaty powers. I had in the interim thought anxiously on the subject, and, after consultation with my friends, determined, in the interests of our country and civilisation, to accept. The moment the position⁴ was formally tendered, I informed my colleagues of all the facts, and am happy to say that they approved of the action of the Chinese, and did all they could to forward the interests of the mission. J. McLeavy Brown, esq.,⁵ Chinese secretary of the British legation, was persuaded, in the common interest, to act as first secretary to the mission, and Mr. Deschamps, a French gentleman, who has accompanied Ping⁶ on a

¹ No doubt, the Hon. Mr. Burlingame intends this pronoun to refer to "the Chinese." His mode of expressing himself is as vague, as his syntax is bewildering.

² 文祥, Wên-s'iang, the "leading man" here alluded to, was until recently the most active and intelligent Member of the Tsung-li Yamén. For some time past he has been suffering from severe illness; and it is doubtful, whether he will be able to resume his public duties. Mr. Wilson (History of the Tai-ping Rebellion, p. 295) erroneously designates him as "the (Senior Secretary of State or) Premier of the Empire." There exists no such office in China.

³ Our copy of the Hon. Mr. Burlingame's despatch, transmitted to us at the time to Peking, reads "desirous" for "serious."

⁴ Instead of "position," the same copy has "proposition."

⁵ For "esqr.," our copy has "late."

⁶ The person meant is Pin, formerly a subordinate clerk in the Tsung-li Yamén, who used to frequent the kitchens of foreign residents in Peking for the combined purpose of espionage and a supper. He is Mr. Hart's friend "Lao-yeh Pin," whom the former gentleman induced the Yamén to send with him to Europe, in 1866 (Mr. Hart's Note on Chinese Matters); and who, to the scandal of the English Court and the indignation of the well-informed, had the honor of an introduction, in a private audience, to Her Majesty the Queen. "On his return from Europe," the Hon. Mr. Ross

visit to Europe, was selected as second secretary. Two Chinese gentlemen of the highest rank were selected from the foreign office to conduct the Chinese correspondence and as "learners." I shall leave for the United States by the February steamer for California. I limit myself in this note to the above brief history of the mission, reserving my reasons for accepting it to a personal interview at Washington. I may be permitted to add that when the oldest nation in the world, containing one-third of the human race, seeks, for the first time, to come into relations with the west, and requests the youngest nation, through its representative,⁷ to act as the medium of such change, the mission is one not to be solicited⁸ or rejected. Dr. S. Wells Williams, for the sixth time, has been left in charge of the United States legation in China, and is in every respect competent to conduct its affairs. Permit me to request the government most earnestly not to name my successor until I can give it information which may be useful in making a selection.

I have the honor to be, sir, your obedient servant,

Hon. WILLIAM S. SEWARD,

ANSON BURLINGAME.

Secretary of State, Washington, D.C."

Versions of this "brief history" of the origin of the Mission, all bearing a striking family-likeness to the preceding statement, were assiduously circulated in every direction and through every available channel, public and private, both in China and at home.⁹ Yet, although that statement must necessarily contain some truth, it tells to any one, acquainted with Chinese statesmen and their method of conducting foreign business, a story so incredible; it includes assertions so very improbable in themselves; and is so suggestive of a political as well as of a personal under-current, that, even on a

Browne remarks, "he made a report suited to the views of his employers, condemnatory of foreign improvements, and demonstrating that such things are unsuited to China. In consequence of this he was promoted." To each of the Foreign Legations in Peking Pin presented in Ms., as a memento of his Western travels, an utterly unreadable poem, the chief subjects of which are bills-of-fare, and hotel-charges. His present position is that of a species of ambulating beadle in "the New University of China"; and his special duty would seem to be, to watch over, and report on, the conduct of the foreign "professors." Like the Hon. Mr. Burlingame, he now delights in the title of 大臣, "Excellency," as it is usually translated, and wears a button of the second rank. He no longer visits English kitchens, and ignores even a late intimate friend of his, the Chinese cook of one of the English Missionaries in Peking, whose button is of the fourth or fifth class only.

⁷ The Hon. Mr. Burlingame had manifestly forgotten, that he was no longer the representative of the youngest, but, a few days previously, had transferred his services to the oldest, nation in the world, and on more favorable terms.

⁸ Our copy also has "solicited." The proper reading may possibly be: "snubbed."

⁹ As a specimen, we reprint, in the appendix, Mr. Robertson's letter to the London "Daily News," headed "the Chinese Embassy to England."

cursory perusal, it cannot fail to produce on the unbiassed mind an impression in the highest degree unfavorable to its "historical" character.

7. Indeed, an already somewhat different complexion is given to the Hon. Mr. Burlingame's narrative, by his successor *ad interim*, Dr. Williams, in an official despatch to the American Government, written but a few days after the letter of the former envoy, and which is of sufficient interest to deserve being here reproduced *in extenso*.

"MR. WILLIAMS TO MR. SEWARD. ¹

Legation of the United States,
Peking, December 23, 1867.

SIR,—I have the honor to inclose the translation of a circular dispatch, addressed to each of the foreign ministers by Prince Kung, informing them of the appointment of Mr. Burlingame as the envoy on behalf of the Chinese government to all the treaty powers, with a copy of my reply. The arrangements connected with the appointment were all made in the ten days before Mr. Burlingame left Peking on the 25th ultimo, and after he had made and received his farewell visits with Prince Kung as United States minister, preparatory to going south for the winter; but it is probable that the Prince and other high functionaries had long debated the propriety of the step, and Mr. Burlingame's departure induced them to bring the matter to a point by selecting him as their representative. It marks, in a sensible manner, the progress made by this government in understanding and carrying out its reciprocal duties to the nations, with whom it has treaty obligations. It is likewise a proof of high regard to him personally, that after an official intercourse of nearly six years the leading officers of this government should confide in him the advocacy of their highest interests at foreign courts. The ample powers given to him prove the importance that they attach to the embassy.

Associated with him are two Chinese commissioners named Chi-Kang and Sun Kia-Kuh, who have been for several years employed in the foreign office as under secretaries, and are more conversant with foreign affairs than persons selected from higher posts would be. ² Two foreign secretaries have been

¹ Papers relating to Foreign Affairs, Washington, 1869, 8vo., Part i, pp. 495—497.

² Dr. Williams's volunteered apology for the sending of mere "under-secretaries," who were in reality no more than *supernumerary clerks*, is hardly complimentary to Prince Kung and their Excellencies, the Members of the Tsung-li Yamén.

³ The documents, referred to by Dr. Williams, are the Circular Despatches of the Tsung-li Yamén relative to the Burlingame Mission, and will be communicated below.

⁴ Dr. Williams also writes Ping for Pin, and, moreover, entrusts him with a mission. According to Mr. Hart (Note on Chinese Matters) this "mission" was, "to demonstrate to the official class (in Peking) that the West can be safely visited, and that the journey is neither very fatiguing nor very dangerous."

We much doubt, whether the many and great mistakes, committed by the

attached to the mission, viz., J. McL. Brown, formerly assistant Chinese secretary to the British legation in Peking, and possessing an intimate acquaintance with the *personnel* and policy of the foreign office, who holds the place of first secretary; and Mr. Deschamps, a Frenchman, now in the employ of the Chinese customs, who has that of second secretary. The reasons for appointing two co-ordinate Chinese commissioners are given in the accompanying documents,³ and appear to me satisfactory. Six students are also to be attached to their suite, who expect to remain abroad to learn the English, French and Russian languages.

The propriety and benefit of such a diplomatic mission has been repeatedly urged upon the Chinese government since the ratification of the treaties of Tientsin in 1859; and Prince Kung and his coadjutors have frequently discussed its importance and inquired about its details since the residence of the foreign ministers at the Capital. They usually excused themselves as not ready to do as other nations did in this respect, while acknowledging its expediency. The mission of Ping⁴ to Europe last year was indicative of their willingness to follow these suggestions, and its results in making the way more clear are probably best seen in the present embassy. Some have not entirely approved of placing a foreigner at the head of it, but it seems to me to illustrate the practical character of this people to send as its representative one who would not be liable to the mistakes which would almost certainly be committed by the fittest and best educated native living.⁵ The prince and his associates begin to feel that, in order to maintain their position, they must, as he intimates in his dispatch, send envoys to personally state their case at foreign courts, explain their difficulties, and urge the reasons for their own policy; and they are convinced that none of their own body are qualified for this office.⁶ Their selection of Mr. Burlingame indicates their persuasion, therefore, that he will do for them better than they can yet do for themselves. The proposed revision of the treaties next year is likely to bring up for consideration many important subjects for discussion, and this has no doubt had its weight in deciding them to send him before those points are formally presented. In order the better to appreciate the progress which this mission indicates on the part of this government, the terms of their envoy's commission should be compared with the two missives sent from the Emperor to the President in 1858 and 1863, as replies to the letters of credence presented by Mr. Reed and Mr. Burlingame. The first was dated June 7, 1858, while negotiations were going on at Tientsin:

Hon. Mr. Burlingame, would have been committed by a Chinese gentleman, "fit for his post"; provided he could have been persuaded that, by Western people, belching is not considered altogether inseparable from good breeding. Even the best-educated natives, certainly, have their peculiar habits, to which we "outer barbarians" find it not easy to accustom ourselves.

⁶ There is, perhaps, no person more unscrupulous, more indifferent to truth, more plausible in argument, more persuasive in manner, and more conceited withal, than a Chinese statesman: the Ministers of the Tsung-li Yamén must have entertained a high opinion, indeed, of the Hon. Mr. Burlingame, if they considered him better qualified for his Mission, than one of their own body. It is probable, however, that the idea may have been suggested to them, that *Western statesmen were likely to give credence to a Western envoy, where they might have doubted a Chinese ambassador.*

"I, the august Emperor, wish health¹ to the President of the United States. Having received with profound respect the commands of Heaven to sway with tender care the entire circuit of all lands, we regard the people everywhere, within and without the wide seas, with the same humane benevolence. The minister² of the United States has now handed up³ the letter under reply, on opening which the expressions of respectful request still further manifest the same friendly feeling and cordial sentiments. In it you desire that the minister of the United States may reside near our court, but there are many things connected with such an arrangement which cannot be effected without difficulty. Hitherto the foreign envoys who have repaired to Peking have all come from those kingdoms⁴ which bring tribute, but the United States is numbered among friendly (i.e. not tributary) nations⁵; and if, on arrival at court of her envoy, there should unluckily be any defect or untoward thing happen (about ceremonies)⁶ it might, we apprehend, seriously injure the present peaceful relations between our countries. Moreover, the middle kingdom has no ministers of her own residing in other kingdoms, and an arrangement of this kind should be mutual. The minister of the United States is now at Tientsin, where he is negotiating with our high officers, and their intercourse has been mutually agreeable. As soon as their deliberations are concluded, he should return to Canton to attend to the commercial duties of his office as usual. This

¹ We are not in possession of the original texts of this and the next-following letter, addressed by the Emperor of China to the President of the United States; but the Chinese term, here translated by Dr. Williams: "to wish health," is no doubt 問好, "to greet condescendingly," and in writing used only by the superior towards the inferior.

² The corresponding Chinese term, we have every reason to presume, is 使臣 "a public messenger," applied to envoys to, and from, dependent States.

³ The history of this letter from the President of the United States to the Emperor of China, here spoken of as "now handed up," is extremely curious. We shall revert to it in the sequel.

⁴ The very idea of "kingdom," in our sense, is unknown to the Chinese: the term is 國, and should have been rendered: "State."

⁵ Without doubt, the Chinese term, translated by Dr. Williams: "friendly (i.e., not tributary) nations," is 友邦, *tributary states*; and that learned sinologue has utterly misapprehended the meaning of the text. It is the very reverse of what he makes it out to be. The argument of the Emperor is: all (envoys, or rather) messengers, who have hitherto repaired to Peking, have come from States which have sent tribute, and the Mey State (America) *being one of the tributary States*, if its messenger should, perchance, bring no tribute, and some untoward thing happen in consequence, We apprehend &c.

⁶ The parenthetical remark "about ceremonies" has been supplied by Dr. Williams' fancy. There is no justification for it.

⁷ It is a positive and unaccountable error to here translate 大清國, as Dr. Williams does, "the Ta tsing *dynasty*," instead of the Ta-ching *Empire* i.e. the Empire of the World; and it is hardly less an error to render, as he further does, 大皇帝 "His Majesty," instead of "the Great Exalted Monarch and Highpriest" (see the proofs below). The translator's object seems to have been, to show off the

will tend to secure and perpetuate the present friendly feelings between our countries; and we think you, the President himself, will be highly pleased with such an arrangement."

The second was dated January 23, 1863, about two years after the foreign ministers had been settled in Peking:

"His Majesty the Emperor of the Ta-tsing dynasty ⁷ salutes ⁸ his Majesty the President ⁹ of the United States. On the 25th day of the seventh moon the envoy, Anson Burlingame, having arrived in Peking, presented your letter, which, when we had read it, we found to be written in a spirit of cordial friendship, [breathing] nothing but a desire for relations of amity that should ever increase in strength. Our heart was much rejoiced thereat, and the foreign office ¹⁰ has been instructed to show all suitable attention to the envoy, A. Burlingame. In virtue of the commission we have, with awe, received from Heaven to rule, all the world, native and foreigner, must be to us as one family, without distinction; and in our relations with man we must be thoroughly sincere in all things. May our friendly relations with the President henceforth increase in strength, and may both of us alike enjoy the blessings of peace.¹¹ The attainment of such objects, we cannot doubt, would be most gratifying."

The difference in the spirit of these two papers¹² indicates a better appreciation of its position on the part of the Peking government, which is even

progressive spirit of the Chinese; and with such an object in view: what liberties will not a foreign interpreter take with the Chinese language?

⁸ With the same object, Dr. Williams converts here 問好, "to greet condescendingly," and which he just now translated "to wish health," into "salutes." Can he have used the latter term, and desired it to be understood by "His Majesty the President," in a military sense? or, perchance, in the missionary sense of a christian salute? It is a pity, he has not explained himself.

⁹ Have we to infer, that the title 大皇帝伯理璽天德, which a Chinaman, knowing English, would wonderingly read and translate: "the Great Exalted Monarch and Highpriest, Lord Li-s'i-t'ien-tò," can have been given by the Tsung-li Yamén, in the name of the Emperor of China, to the President of the United States? The idea is almost too ludicrous; but Dr. Williams's version positively favors it; and the Chinese, unquestionably, are great wags.

¹⁰ The proper designation of what is usually styled the Tsung-li Yamén is: "Board for the General Control of Individual [Tributary] States' Affairs." Dr. Williams's rendering: "the Foreign Office" is, we fear, more progressive than correct.

¹¹ It is more than probable, that the text has "peace" alone; and that "the blessings" are a missionary embellishment.

¹² In order the better to enable the reader to seize "the difference in the spirit" of the phrase in question, as compared with the corresponding phrase of the first letter, we will place both in juxta-position before him:

June 7, 1858: — "Having received with profound respect the commands of Heaven to sway with tender care the entire circuit of all lands, we regard the people every where, within and without the wide seas, with the same humane benevolence."

January 23, 1863: — "In virtue of the commission we have, with awe, received from Heaven to rule, all the world, native and foreigner, must be to us as one family, without distinction; and in our relations with man, we must be thoroughly sincere in all things."

Now, the difference in spirit, alleged by Dr. Williams to exist between these two remarkable sentences, if it be at all perceptible to the reader, exists solely in the

still more observable in the tenour of the reasons given for the appointment of their new envoy. The government of the United States will cordially approve of this step;¹ and the Chinese evince their confidence in our peaceful intentions by selecting the representative of one of the youngest, thus to introduce the oldest of nations diplomatically to the others, as well as a desire to engage our co-operation in promoting their best interests.² They still have much to learn respecting the duties which treaty stipulations demand of them, and respecting the privileges claimed by Christian nations; but their imperfect acquaintance with those points should, I think, serve as an argument for bearing with them, and giving them time to prepare for the inevitable changes rapidly coming on them, rather than forcing them immediately to introduce improvements, agencies and schemes which they cannot manage by themselves, but imperfectly see the bearing of, and are not yet willing entirely to commit to foreign hands. In all the provinces of the empire Europeans are still unknown by sight to the mass of natives, who have a dreadful idea of their character and designs; and this ignorance is a great bar to the introduction of steamers, railroads, telegraphs, and machinery, which the authorities must bear in mind when considering their introduction.³

The preservation of the autonomy of the Chinese empire will be hard enough amidst all the transforming and conflicting agencies of a mercantile, missionary, and political character now simultaneously

different spirit in which Dr. Williams has translated and interpunctuated the same texts, at two different periods. Thus 承 is in 1858 rendered by him: "having received," in 1863: "In virtue of.....received"; 實 in 1858: "with profound respect," in 1863: "with awe"; 天命 in 1858: "the commands of Heaven," in 1863: "the commission.....from Heaven to rule." This is assuming that instead of 天命 撫馭天下, which evidently occurs in the first letter, the second has 天命中外一家, and that here the words 撫馭 are wanting, while 中外一家 is substituted for 天下 of the first letter. If so, Dr. Williams interpolates in 1858 the words: "we regard.....everywhere," in 1863 the words: "all the world.....must be to us as.....without distinction." But if the second letter has also 撫馭天下, the words "all the world" in 1863, form no interpolation; while 撫馭 is translated in 1858: "to sway with tender care," in 1863: "to rule"; 天下 in 1858: "the entire circuit of all lands," in 1863: "all the world." 中外 is never used in the sense of "native and foreigner," and positively admits of no such construction. Its true meaning is "the Central (State) and Outer (States), = 天下 "the Earth," for which it is but another expression. In 1858 Dr. Williams interpunctuates correctly, in 1863 manifestly incorrectly. The Chinese text of the concluding sentences is to us dubious. Omitting them, the proper version of the passages would have been:—

June 7, 1858:—Having with reverence received Heaven's own power to rule the Earth and the human race, within and beyond the wide seas,....."

January 23, 1863:—Having with reverence received Heaven's own power to rule the Central and Outer (Lands of the Earth), one household,....."

We have already remarked, that the better appreciation of its position on the part of the Peking Government, which Dr. Williams discovers in the latter, as compared with the former letter, exists in his translation alone. As the new spirit, however, which pervades all his versions since 1863, can hardly be ascribed to a sudden retrogra-

pressing on it. But I have great hopes that these various agencies will be best understood by the people at large as they see their beneficial effects, for I can myself see many things the better among those portions brought into contact with foreigners during the years since the treaty of Nanking was signed, in 1842. I do not, however, mean to say that China should be told to wait, for instance, till she is ready for a railroad before a railroad is attempted, for the railroad itself will furnish itself its own best argument and proof; but that certain influential native classes, mercantile and political, should be so enlightened on these subjects that they are desirous to introduce them.⁴ Until this is the case in some measure, foreign nations will fail to compel their acceptance except by force; and the very urgency to have them adopted will rather be taken to cover some other design, and the difficulties be increased.

In view of the present aspect of their position, the leading statesmen of China have voluntarily arranged this mission to represent them abroad, and I hope they will have no cause to regret it. The results can hardly fail to have a lasting influence upon their future policy and standing among the nations of the earth.

I have the honor to be, Sir, Your obedient servant,

HON. WILLIAM H. SEWARD,

S. WELLS WILLIAMS.

Secretary of State, Washington, D.C.

dation in his knowledge of the Chinese language, we confess ourselves at a loss to explain the phenomenon.

¹ Is not this a somewhat bold dictation on the part of a Chargé d'Affaires *ad interim*, even though he fill the post "for the sixth time"?

² The best interests of the Chinese would indubitably be best promoted by the development of the foreign commerce, the home industry, and the internal resources, of their country; in short, by the unrestricted opening of China to foreign intercourse. But is this the end, to which the Chinese Government pay their American envoy £8000 a year; and is this the object, for which the Hon. Mr. Burlingame is sent, or desires, to engage the co-operation of the United States?

³ How eloquently—eloquently in his own way—the American Chargé d'Affaires *ad interim* pleads here the cause of the fung-shue, and the anti-progressive policy of the Chinese "authorities"! We quite admire the courage, akin to heroism, with which the representative of the youngest nation—the "go-ahead" nation *par excellence* of this age—plants the scare-crow of that "dreadful idea," which the mass of natives are said to entertain of Europeans, whom they have never seen—an idea, which, if it exist at all, "the authorities" themselves alone can possibly have imparted to the natives, and confided to Dr. Williams—in the way of improvements, machinery, steamers, and railroads in China.

⁴ If we correctly interpret, through the spirit of his indifferent grammar, the real meaning of Dr. Williams' argument, it amounts to this, that after all, it will be as well for him and his reputation to explain, that it is really *progress*, and *not* stagnation, which he is so warmly advocating; in fact, that nothing would please him better, than to see "a railroad attempted": *only*, that he considers it unquestionably prudent that the attempt should be deferred *until the Chinese Government be strong enough to successfully resist it*; or, as he puts it, until "certain influential native classes, shall be so enlightened on these subjects, that they are desirous to introduce them." Delay—is the watchword: *to gain time, in order that the Manchu Government may gain strength for resistance, is the aim.* (Compare also Note ² to page 6.)

8. We shall have occasion to revert to these despatches. Before, however, the true origin of the Burlingame Mission can be explained, it will be necessary for us to introduce to the reader, not familiar with Chinese affairs, an otherwise obscure official, but who, from the confidence reposed in his counsels by the Tsung-li Yamén, has acquired, though a much over-rated,¹ yet a not inconsiderable influence in regard to the foreign relations of the Ching Empire—an Irish gentleman of the name of Robert Hart, at present Inspector-General of Chinese Maritime Customs. We have spoken of him already in one or two of the foot-notes. As a nominee of the Belfast College, Mr. Hart, one of the first-appointed “student-interpreters,” was sent out to China by the Home Government, but subsequently left the British Consular Service, being in 1859 admitted by Mr. Lay, the able and ill-used² organiser of the Chinese Customs-Service, into the latter. In 1861, when Mr. Lay had to return to Europe on sick-leave, he appointed Mr. Hart, as the only one of his employés possessed of a tolerable knowledge of the Chinese language, together with the late Mr. Fitz-Roy wanting in that knowledge, to discharge jointly, during his absence, the duties of Inspector-General.³ In consequence of this appointment Mr. Hart was brought into personal contact with Prince Kung, the head of the Manchu administration during the Emperor’s minority, and Sir Frederic Bruce, the then Representative of England in Peking. Whether he profited by the opportunity, thus afforded him, to assist in effecting the dismissal of his chief, may be a matter of conjecture: certain it is, that, by cringing servility, he knew how to ingratiate

¹ Mr. Wilson, in his *History of the Tai-ping Rebellion*, London, 1868, 8vo., p. 317, goes so far as to imagine that Mr. Hart has “established himself as a power in China.” In the sequel we shall point out Mr. Hart’s true position,—that of a simple adventurer, who may to-morrow be removed from his post, without leaving so much as a trace of his presence behind.

² We have no occasion to speak here of the now almost forgotten Lay-Osborne fleet, but cannot help remarking, that the account given by Mr. Wilson (*History of the Tai-ping Rebellion*, pp. 260—64) of this transaction, is as partial and inaccurate to the detriment of Mr. Lay, as it is in favor of Sir Frederic Bruce and Mr. Hart. It is the opinion of most well-informed people in China, that Mr. Lay fell a victim to a combination of circumstances and *intrigue*. Mr. Wilson’s bias will be explained below.

³ *Our Interests in China: A Letter to the Right Hon.^{ble} Earl Russell, K.G., Her Majesty’s Principal Secretary of State for Foreign Affairs*, by Horatio N. Lay, C.B., Inspector-General of Chinese Customs. London, 1864, 8vo., p. 8.

himself with the Chinese authorities, and finally to insure, in 1863, his own nomination to the vacant office,⁴—an office, which he has recently converted into a semi-political institution, designed to direct the foreign policy of the Chinese Government; to misguide the Chinese policy of Western powers; to paralyze the action of their Ministers at “the Capital”; and to develop and organize the military resources of China for re-actionary purposes. On this account, and because, in connection with the Burlingame Mission, an attempt has been made to raise Mr. Hart to an undue prominence in the public opinion of America and Europe, and to mislead that opinion as to the tendency of his influence, we cannot well avoid saying more of him in this place, than either his influence or his position of themselves would warrant: the latter, in the eyes of the Chinese, being simply that of a foreign hireling; the former resting on no talent or particular capacity of his own, but rather on the helplessness and ignorance, as regards European affairs, of his employers.

9. It is no secret that Sir Rutherford Alcock has been, and apparently continues to be, the patron, protector, and friend of Mr. Hart; and that between the Inspector-General of Chinese Maritime Customs and the Hon. Anson Burlingame, towards the end of the latter's residence in Peking, there had sprung up an intimacy of the closest nature. If we are to believe the late American Envoy, Mr. Hart is not only a man of unusual administrative abilities,⁵ under whose directorship the service in question has attained a perfection and completeness not to be surpassed in Europe,⁶ but that, generally

⁴ Sir Frederic Bruce's version, in an official despatch as quoted by Mr. Wilson (History of the Tai-ping Rebellion, p. 260) is:—“By his tact, good sense and modesty, he (Mr. Hart) obtained access to the Prince of Kung, and turned to useful account the favorable impression he made upon His Royal Highness and his advisers.” Let it be remembered, that it is the patron of Mr. Hart, who writes thus; and it appears to us, that the diplomatist's language is plain enough. Little, however, as we are inclined to over-rate the late Sir Frederic Bruce's regard for justice and candour, we must dissent altogether from Mr. Wilson, who (History of the Tai-ping Rebellion, p. 379), places him on the same level with men “such as Mr. Burlingame and Mr. Hart.”

⁵ Mr. Burlingame to Mr. Seward. Papers relating to Foreign Affairs, Washington, 1868, 8vo., Part iii, p. 436.

⁶ See Mr. Robertson's Letter to the London “Daily News”, in the Appendix.

speaking, he is one of the ablest men of our time.¹ In public opinion, Mr. Hart is a man of fair, moderate abilities, and narrow, yet unpractical views; of extreme conceit and wide ambition, concealed under the mask of unpretending modesty and humility: combined, on the one hand, with an inordinate love of power, a great *penchant* for intrigue, much caprice, and little scrupulosity; on the other, with a rare amount of industry, perseverance, caution, and reserve,—only that his caution partakes of the feline nature, and that his reserve resembles that of the owl. Hence, he shrinks from public judgment and public responsibility, while, “keeping in the back-ground,” he delights to work in the dark, inviting suspicion; and to wrap himself up in mystery, inviting ridicule. Whether from natural disposition or from a lengthened residence among the Chinese, or from both, he is in character an Oriental rather than a European.

10. As to the administrative talent, ascribed to Mr. Hart, the results of his administration, certainly, do not bear out his reputation. There exists no second Customs-service which, in proportion to the commerce of the country and its tariff of duties, yields so small a revenue to, and entails so large an expenditure on, a State.² A really able, practical, and conscientious successor, saving where Mr. Hart squanders the public money, and striving to extend facilities for commerce, where he seeks to contract them, would be found to reduce the expenditure maybe to a moiety, and to raise the revenue ere long to double, of its actual amount, without any great effort on his part. The now far-famed “Peking College,” of which the administration was virtually entrusted to him, has, chiefly if not solely through his mismanagement, proved a miserable failure.

¹ The Hon. Mr. Burlingame's San Francisco Speech. In his New York harangue, he reduces Mr. Hart to the level of merely “an able man”; but recently Mr. Robertson (Our Policy in China, “The Westminster Review” for January 1870, p. 184) has raised him again to the position of “one of the ablest men in China.” One of the objects of that article would seem to be to eulogize Mr. Hart and Sir Rutherford Alcock.

² No complete “Reports of Trade” have been published by Mr. Hart, since 1866. In that year, the total value of the foreign commerce of China was estimated at about £110,000,000, on which maritime duties—at the rate of barely three per cent.—to an amount of less than £3,000,000 were collected:—a sum, nearly equal to the revenue, derived from the same source by Sweden, with its population of four

His organisation of the winter-mail service has furnished another signal illustration of administrative incompetence and neglect. Even his ill-judged attempt to light the small Courts of the Customs-offices in Peking with gas, protracted through a space of more than two years, has, owing to a complete absence of ordinary administrative foresight on his part, been productive of excessive cost and disappointment, rather than of light and enlightenment, to the Chinese Government.*

11. In justice to Mr. Lay, it should not be forgotten that the fundamental organisation of the Chinese Maritime Customs-service is altogether *his* merit; and, although Mr. Hart has largely, and in many respects not injudiciously, developed the system, it is becoming evident that, by over-organizing, he is now fast disorganizing the service, entrusted to his supervision. The Inspectorate is assuming the mixed form of an Admiralty and an Inquisition. Mr. Hart's despotism, exaction, and meddling have deprived him of the attachment and willing obedience of his subordinates; his laxity, caprice, and favoritism have deprived him of their respect. And whilst his ambition prompts him to constantly extend the sphere of his influence, his love of power will not permit him to allow the attending labor to be shared. He thus chooses to overwork himself; and, as a necessary consequence,—combining, as he further does, with the mania of creating Commissioners and Deputy-Commissioners, that of despatch-writing,—can perform none of the multifarious tasks, under the load of which he is tottering, efficiently. To use a vulgar saying, “he will have his finger in every pie.” For, not only is Mr. Hart, forgetful of the good old adage *ne sutor ultra crepidam*—“cobbler, stick to thine last,”—the “Inspector,”

million. The expenditure of the Chinese Customs-service is not made public; but is understood to be excessive.

* Those, who have visited Peking, will remember its wretched, filthy, ragged, half-naked beggar-women, wearing a bunch of gay artificial flowers in their dirty, dishevelled hair. It is a similar “bunch of artificial flowers,” in the shape of a few gas-burners, which Mr. Hart has stuck to the tattered head-gear of the squalid, unpaved, undrained Capital of China, in which dust and mire abound instead of water, and the pavement is represented by cesspools and their foul smells. In that light, too, the Members of the Tsung-li Yamén and the Pekinese officials generally would seem to have regarded the experiment, as none of them have ever deigned to take the slightest notice of it.

fiscal and medical,¹ as well as the "General" of the Customs-service, and the Treasurer of the Tonnage Dues: he is, moreover, the confidential political adviser of the Tsung-li Yamên; the originator of a "Marine-Department"; the legislator of harbour-masters and pilots; the builder of lighthouses-to-be-built; the drilling-master, by deputy, of the Tatar Army; the *quasi* Admiral of the Chinese Imperial Navy; the occult Protector of "the Peking University;" the public patron of its one-volumed pseudo-literature, and non-existing press; the purveyor of its "professors"; the architect of their residences; the examiner-general of Chinese students; the projector of a thousand things; and the would-be regenerator of the Flowery Land.

12. It may be in accordance with the latter aim, as it is with the flight of his omnivorous and ubiquitous ambition, that Mr. Hart has encircled his official residence in Peking with the combined glories of science and gas; that he has made it the centre of a miniature-empire within the Empire of the Ching; and that he rules the former with the same paternal absolutism, with which the latter is ruled by "the Son of Heaven." To that Court of his he summons his officers from the boundaries of "the Four Seas": from thence he dismisses them again to every quarter of the wind. He frowns, and they tremble; he smiles, and they rejoice. For their deficiency in number, he makes up by a frequency of change; and the 'Customs-Gazette' presents a picture of administrative "eccentricity,"—as his professing admirers term it,—such as, in due course of time, must necessarily ruin any service. To the sober and non-aspirant spectator, it can hardly appear otherwise than

¹ "When we read, in *Thursday's Recorder*, an announcement that Mr. Hart had ordered a medical inspection of all second and third class clerks in the Customs' Service, we thought our contemporary must have been misinformed. But we are assured that such an order actually has been issued in regard to third and fourth class clerks. We agree with our contemporary that this is one of the most singular freaks the Inspector-General has yet perpetrated. It is true, members of the Army, Navy and Civil Service have, in England, to pass a medical examination before admission; but this is a very different matter to subsequent inspection. So they have to pass a competitive examination; but the system was not made retrospective when it was introduced. Those already appointed were not disturbed, either mentally or surgically."—The "*North-China Herald*," June 23rd, 1869.

² Papers relating to Foreign Affairs, Washington, Government Printing-Office, 1865, 8vo., part iii, p. 436.

ludicrous to see, in China, a foreign, and we may add up-start, Inspector-General of Maritime Customs ape Imperialism, and, apparently misconstruing the import of his title and misapprehending the nature of his office, act in the character of a military captain, who indulges, by marching and counter-marching the gentlemen "placed under his orders," in the study of fanciful tactics, and produces the effect as though he were, not the head of a steady-going body of revenue-collectors, but the manager of a puppet-show. It would seem to us, that the golden praise, bestowed by the Hon. Mr. Burlingame on Mr. Hart as one of the ablest men of our time, has no better foundation than have "the high honors from one of the first British Colleges," likewise conferred on him, by the more imaginative than grammatical oratory of his distinguished friend, in the American Blue-Book.²

13. But the present Inspector-General of Chinese Maritime Customs has graver faults than those of indifferent administrative capacity³ and decided extravagance, chiefly, if not exclusively affecting Chinese interests,—faults, tending to political complications and international embroilments. Their principal element consists in this, that Mr. Hart, having been permitted, contrary to the provisions of his appointment,⁴ to take up a *quasi*-political position in the Capital, misapplies the influence he has acquired at the Tsung-li Yamén, for purposes of diplomatic intrigue; and that, although in China a diminutive tyrant, he is, as to home politics, a life-sized Fenian. We do not mean to insinuate, that he has at any time or in any shape actually supported the Fenian movement,—for we have no knowledge on the subject—; but that the movement in question

² The Hon. Mr. Burlingame, on the contrary, we have seen, represents Mr. Hart to the American Government as "a man of unusual administrative abilities" (Papers relating to Foreign Affairs, Washington, 1865, 8vo., part iii, p. 436). Let any one, who would wish to decide the point for himself, look, with this view, carefully over the "Reports on Trade, published by order of the Inspector-General of Customs"; and he will have no difficulty in arriving at a conclusion. An able successor to Mr. Hart, however, would be the best person to settle the question practically, by furnishing the necessary elements of comparison. Where the latter are wanting, as they happen to be in this case, mediocrity in power is sure to be lauded up into talent, if not genius, and Mr. Hart would seem to give to praise and flattery every encouragement in his power.

⁴ See the Hon. Mr. Ross-Browne's Remark I, on Mr. Hart's "Note on Chinese Matters."

commands his warm sympathies,¹ and that he favors Fenian sentiments,—hence more or less rampant among a certain class of aspiring students—: in short that he is *in feeling disloyal to England*, and is supposed to allow this feeling, intensified by causes of personal mortification and disappointment, to influence his public counsels, and to direct his public action. And what renders Mr. Hart's mischievous tendencies more mischievous still, is that his principles, generally, are of a very latitudinarian order. Truth is by him held in light esteem. His strength lies in duplicity. Hence his habits of business are lax. He feels himself bound by no consideration for justice or equity, but simply follows the dictates of expediency, caprice, or personal resentment; trusting for impunity, though occasionally in vain, to his power, his influence, his ingenuity, his cunning, and the exceptional state of jurisdiction in China. Before this, he has placed himself in a painful and most unenviable position: yet experience would seem to have taught him no lesson.

14. Connected with the absence of principle of a more elevated order on his part, there is another peculiar feature of Mr. Hart's public position in China, which we have to notice. It consists in the fact that, while giving publicity to the annual gross amount of revenue, collected by him from maritime duties, he renders, as has been already mentioned, no such account of the expenses attending its collection, nor of the actual sum-total paid, directly or indirectly, into the Imperial treasury of the Central Government. No doubt, this is in obedience to the desire of the Tsung-li Yamén itself: but it is precisely in yielding obedience on such a point that, in our judgment, he has gravely compromised his position, and,—because it is well known that he has annually, in a country in which the fiscal administration is notoriously corrupt and subject to peculiar recognised mal-practices extending to the highest officials, a large

¹ How strong these sympathies must be, Mr. Hart betrayed at the Peking Races in the spring of 1867, when Fenianism was buoyant with hopes, by casting aside his usual, extreme caution, and having exceptionally entered a pony of his, named "Fenian," for the courses, appeared himself at the latter in Fenian colors. The boldest expression, however, of his political party feeling, he soon afterwards gave by designing, and introducing into the Chinese Navy, a flag displaying, in the form of "a shining (transverse) cross," the Imperial Yellow of the expiring Ta-Ching Empire on the Emerald ground of the "coming" Fenian Republic,—a fanciful union, certainly not based on the laws of harmony of color.

fund out of the public revenue placed at his immediate and as it were personal disposal,—laid himself open to misconstruction, not to say suspicion, which, however unfounded, no high-minded English gentleman, both for his own sake and for the sake of European reputation, should incur. It is far from our wish to imply, that Mr. Hart's appointment, as Mr. Lay's successor, had any connection with this matter; much less, that it gives him a hold upon the Tsung-li Yamén, stronger than might otherwise be the case; or that there can exist any real objection on his part to the publication of certain financial details, which his employers choose to withhold from general knowledge; but what we do mean to say, and emphatically so, is that, in our opinion, it would be the public and private duty of any European, invited to undertake the direction of any branch of the public service in China, involving large pecuniary transactions, to make the rendering a clear public account of the financial part of his administration a condition *sine quâ non* of his acceptance of such a post.

15. Considering the various facts and circumstances, to which reference has been made in what precedes, Mr. Hart's true position in China will be readily understood; and the mystery, in which, for obvious reasons, he shrouds himself and his acts, appears not very difficult to penetrate. That position is simply this: Devoid of those higher principles of patriotism, loyalty, and honor, which enter as indispensable elements into a superior character, his first and principal aim is to realize a fortune; or, as it is frequently put, and not by himself alone, 'His first duty a man owes to his family.' Mr. Hart's second aim is, to create the means of attaining that object within the shortest period, and to the fullest extent, practicable. And his further aim is, to gratify his love of power, his ambition, his vanity, and his resentments withal. He is a thorough egotist. But it is easy to comprehend that, in order to realize a fortune and to satisfy his ambition in China, he has to maintain himself in his peculiar position *vis-à-vis* of the Tsung-li Yamén; in order to maintain himself in his peculiar position *vis-à-vis* of the Tsung-li Yamén, he has to retain the confidence of his employers; in order to retain the confidence of his employers, he has to hold them convinced of his devotion to themselves and their cause; and in order to hold them

convinced of his devotion to themselves and their cause, he has needs, whatever he may profess to the contrary, pandering to their prejudices and flattering their vanity and pride, secretly to tender them anti-foreign counsels, to intrigue for them to an anti-foreign end, and to support them in their anti-foreign policy. To those, familiar with the character, the views, and the actual position of the Ministers composing the Tsung-li Yamén, it would be superfluous to demonstrate the very impossibility of a foreigner maintaining himself by more honorable and legitimate means in that confidence, which the Chinese Government accord to Mr. Hart: upon men who, like Sir Rutherford Alcock, wilfully shut their eyes alike to logic and facts, it would be a vain endeavour to impress an argument, which appears to us simply irresistible, and is fully borne out by experience.

16. It is with the view alluded to, that Mr. Hart even judges it prudent to seclude himself, in Peking, as much as possible from European society. With the same view he is cold and distant in his intercourse with foreigners generally, exacting and absolutistic towards his European subordinates; cringing and servile towards his native superiors, courteous and affable, considerate and indulging, to excess, towards Manchu and Chinese. With still the same view, but to a more tangible end, he exceptionally cultivates, though not without a prudent and well-calculated reserve, the intimacy of the Interpreters, attached to the Foreign Legations. Of the Ministers, resident in Peking, few possess any knowledge of Chinese; nor do the Secretaries, as a rule. Hence, the Interpreters hold a position of considerable trust and influence; and the object, with which Mr. Hart is seeking to ingratiate himself with them, while

⁸ A very favorable but extremely partial, opinion of Mr. Hart is expressed by Mr. Wilson, in his *History of the Taiping Rebellion* (pp. 316—7). "While fully alive," the author states, "to the defects of the Celestial Government, he (Mr. Hart) has shown great tact and wisdom in leading it along the path of progress; at the same time he has commanded the respect of his own countrymen in the somewhat invidious position of Inspector-General of Customs." Nothing could be more at variance with the actual fact, than these assertions. Possibly, Mr. Wilson wrote under impressions, relative to Mr. Hart's earliest career as Mr. Lay's successor, and to hopes entertained, but not realised; more probably he has trusted for his usual sound judgment to interested and unreliable sources, traceable, through Mr. Dick, the Commissioner of Customs at Shanghai (see Mr. Wilson's Preface p. xvii) to Mr. Hart himself. As reflections of his own, after premising that Mr. Hart "is more inclined

keeping aloof from their chiefs, is hardly liable to misconstruction. Or, if a doubt had existed on the subject, it would have been dispelled by certain occurrences, of no very remote date, which tend to show that it enters into the tactics of Mr. Hart and the Tsung-li Yamén, not only to stand well with the Dragomans, but to hold out to them inducements to quit the public service of their respective countries for that of China, and thus more or less to embarrass and obstruct the efficient working of the Foreign Legations; for, good Chinese Interpreters are scarce, and a mastery even of the vernacular language of Peking is not acquired in a few years.

17. Were the qualifications and aspirations, with which Mr. Hart is endowed, supported,—which they are not,—by an adequate intellect, extensive information, and an intimate knowledge of the world and the world's affairs, he might have become a distinguished man; nay, had they, moreover, been of a higher and nobler order, favored as he has been by exceptional circumstances, he might have raised himself to the enviable position of a promoter of Science and Civilisation, and a benefactor to a large portion of the human race. As it is, his reputation will hardly ever rise above that of an impractical schemer, as dreamy as he is ambitious; as short-sighted as he is vain; and *as dangerous to China as he is disloyal to England*.¹

18. From so much having been said of the present Inspector-General of Chinese Maritime Customs in reference to "the Burlingame Mission," its actual originator will be readily divined. That the first idea of such a Mission should have been conceived by the Tsung-li Yamén, or that it ever emanated from the brain of a Chinese Minister, few persons will have suspected for a single moment. But, although Mr. Hart's vanity had not allowed his

to lead than to drive the Chinese," he however adds: "but it may be well for himnot to lose sight of the fact that, though he has used them well, he has had great opportunities provided to his hand. Hitherto his course has been favored by that of events; and while he has himself reaped a large share of the resultant rewards, perhaps the most arduous portion of the task of adjusting our international relationships with China has fallen upon those who have received no remuneration or even acknowledgment for their unselfish but invidious labours. Now that he is able in some degree to command events similar to those by which he has been guided, and of which he has so wisely availed himself, it remains to be seen how far he will be equal to the high responsibility and grand opportunities of a very powerful position between England and China." To us Mr. Hart's actual position appears to be an extremely precarious one.

discretion to keep the secret altogether,¹ it was only on the publication of his "Note on Chinese Matters," that every doubt on the subject ceased. In this note Mr. Hart, attempting to identify "the establishment of Chinese resident Missions at the Court of every Treaty Power" with "what the West understands by the word Progress," takes credit to himself for having impressed the necessity of such missions on the Tsung-li Yamén, ever since his first arrival in Peking in 1861;² and admits that, "so far as representation abroad, generally speaking, is concerned, the Embassy now in Europe can scarcely be said to have been a spontaneous movement on the part of the Imperial rulers." True, at the same time he asserts, in general accordance with the statement of the Hon. Mr. Burlingame, that the selection of the latter gentleman as the Representative of the Chinese Government grew out of a joke, which was not perpetrated until the end of October, 1867. But this is at variance with the facts of the case. We have it on indubitable authority, that the scheme of "the Burlingame Mission" was mooted nearly a whole year previously to its realisation. This is confirmed also by Dr. Williams, inasmuch as he informs the American Government, that the propriety of the step had probably been debated by Prince Kung and other high functionaries for a long time. Indeed, in the month of June, 1867, we were, besides those immediately concerned, not the only person in Peking, to whom it had become known that the Hon. Mr. Burlingame and Mr. Hart were then in daily expectation of the adoption of their plan, gradually and with his usual caution urged by the latter gentleman upon the Tsung-li Yamén. Simultaneously, the Hon. Mr. Burlingame had announced his intention to sell off his furniture, previously to paying a visit to the southern ports of China, and his estate in California; whence he might or might not

¹ Mr. Wilson, evidently from private information on this point, states: "To the effects of the confidence, which he (Mr. Hart) has inspired—as the confidential adviser of the Peking Government in all that refers to its foreign relationships—may be ascribed the appointment of the Laou-yeh Pin to proceed to Europe in 1866 as a Commissioner from the Imperial Government; the establishment of a College at Peking for the study of European languages and science; and the appointment of Mr. Burlingame as Minister from China to the Treaty Powers" (*History of the Tai-ping Rebellion*, p. 316—17).

² This is one of the most remarkable statements, which Mr. Hart could have

return. At that period, however, the Chinese Government could not be prevailed on to take a step so distasteful to its feelings and its policy; and, considering that no absolute necessity existed for it as yet, the project was for the time being abandoned. Hence, the Hon. Mr. Burlingame abandoned his intention to visit the Chinese ports and his Californian estate for the time being also. During the next four months not a whisper was heard of any wish on his part to leave Peking; and the anxiety of the American Minister to "ascertain what changes our citizens desired to have made in the treaties, provided a revision should be determined upon," fell into complete—and final—abeyance.

19. Under these circumstances it can hardly surprise that, in regard to the particulars of the jocular origin of the Burlingame Mission, there should exist some slight discordance on the part of its inventors. Their first object, naturally, was to keep the scheme a secret up to the last moment; for, had the Foreign Ministers generally become cognizant of it, there would have arisen the necessity for explanations, not merely inconvenient, but almost certain to lead to the frustration of the whole plan. The secret having been well kept until it had ultimately to be divulged, their second object was to lull the *Corps Diplomatique* of Peking into the innocent belief, that the Mission,—like Pallas, of yore, from the head of Jove,—had suddenly sprung into post-prandial existence from the head of some great Jovial Mandarin, not exactly in full armour, but in—the joke was too admirable not to suggest—the form of "a joke." It was thus it came to pass, that the Burlingame Embassy "naturally" grew out of "what for the moment was intended as a mere pleasantry." That is according to Mr. Hart.³ But whilst he, in his jocular vein, boldly attributes the joke of originating the Burlingame Mission to H. I. H. Prince Kung, the Hon. Mr. Burlingame himself,

made. Imagine a foreign Customhouse-clerk, coming to Peking in 1861, and ingratiating himself with Prince Kung and the Tsung-li Yamén by, at first sight, impressing upon them the necessity of Burlingame missions in the cause of Progress—Progress in the Western sense! Mr. Hart, in calculating on the credulity or ignorance of others, sometimes overshoots the mark. If, on his first arrival, he spoke at all to Prince Kung of diplomatic representation abroad, he can have suggested it only as one of the most effective means to impede Progress, and to paralyze the action of Foreign Ministers in Peking; and this would partially account for the favorable hearing which, unquestionably, was granted to him.

³ See Mr. Hart's "Note on Chinese Matters," in the Appendix.

not approving of a pleasantry of *this* sort, more prudently ascribes it, as we have seen, to "Wensiang, a leading man of the empire"; and, upon second thoughts, considers it still more prudent, to turn the whole joke, as told by the Chief of *Maritime Customs*, into "one of those high compliments, paid to him—the Hon. Mr. Burlingame—by one of the leading mandarins, and in which polite Chinese are wont to indulge",—at the public expense, of course, and solely for the benefit of special friends, or else the habit might prove ruinous to the Chinese Exchequer. Again, whilst Mr. Hart, in Peking, dates the Prince's pleasantry from the month of October and the Hon. Mr. Burlingame's farewell visit to the Tsung-li Yamén, the latter, in Shanghai, defers his leading-mandarin's-suggestion to about the middle of November and Prince Kung's farewell dinner to the American Minister. And whilst the Hon. Mr. Burlingame represents matters in a light, as though the Mission with its £8,000 a year had virtually been forced upon his playful repugnance, Mr. Hart protests, it is true, that his Hon. friend did not actually solicit the appointment, but plainly intimates that he invited its offer and, so soon as the chivalrous notion of the Tsung-li Yamén as to "no funds being required" for so grave a joke, had once been satisfactorily disposed of, that his "playful repugnance" to the not-to-be-rejected honor of representing the oldest nation in the world assumed a playful air indeed. It would seem to have piqued Mr. Hart that he "could not be spared from Peking" to undergo himself the honor, originally contemplated for him, as Wên-siang, indulging in the habit of polite Chinamen, had paid him "the high compliment" to say. The Inspector-General, however, comforts himself by impressing on the recipients of his "Note on Chinese Matters," that the Imperial Government is ever ready to act *at once* on his advice; that he is next to all-powerful and indispensable at the Tsung-li Yamén; that it is he, who holds the purse-strings, and fixes the "rates of pay" of ambassadors elect; and, whatever be the Representative's "utterances," and the extravagancies of newspaper criticisms, which such utterances may provoke, that the "official results" of the Mission, being *his* work, will astonish China "and, in time, the world too."

20. To revert, from this "jocular" digression, to our historical narrative. The disappointment, experienced by Mr. Hart and the

Hon. Mr. Burlingame in June, 1869, only served to give a fresh impulse to their scheming. With the increasing pressure, put upon the Imperial Government by Sir Rutherford Alcock, in connection with the approaching revision of the Treaty of Tientsin, Mr. Hart, ably seconded, continued to press upon the Chinese his plan for relief from the Alcock pressure by means of the Burlingame Mission. Finally they yielded. So, in the month of October, the Hon. Mr. Burlingame's desire to dispose of his furniture, to visit the Chinese ports and his Californian estate, and to resume his position in the active home politics of the United States, of which he had meantime considered it unnecessary to apprise his government, revived. Simultaneously, almost daily and prolonged conferences took place between him and Mr. Hart, and their intimacy grew apace. In those conferences, Mr. John McLeavy Brown, Assistant Secretary and Interpreter of the British Legation, was soon remarked to take an active part; and occasionally also Dr. Martin, an American Missionary, stationed in the Capital. The latter, apparently, had been admitted to the partial confidence of the high contracting parties for two reasons: as the teacher in the English School of the Tsung-li Yamên, he had the ear of one or two of the Chinese Ministers, pleased with his servility and gross flattery; and, speaking as he does the Chinese vernacular language with fluency, he was a desirable, almost an indispensable adjunct to, or substitute for, Dr. Williams, the Secretary and Interpreter of the United States' Legation, who has the utmost difficulty in making himself understood in the Peking dialect.

21. After everything had been thus matured and settled, the time for the Hon. Mr. Burlingame's visit to the Chinese ports and his Californian estate was positively fixed, and the sale of his furniture announced; as the reputed author of "The Co-operative Policy," he was fêted and complimented by his unsuspecting colleagues with more than usual co-operative cordiality; and when, finally, he gave his return-dinner, at which, to the surprise of many, Prince Kung and Dr. Martin made their appearance, that "jocular idea" is said to have suddenly occurred to the former, which, couched in "a few gracious words," the latter was then and there prepared to transfer, in intelligible English, to the American Minister, and, though "playfully repulsed" him, yet in the course of another

day or two became a reality in the shape of "the Burlingame Mission." It had been previously concerted with the Tsung-li Yamén, that the Hon. Mr. Burlingame was to receive a salary of £8,000 a year; Mr. Brown one of £2,000 a year; that the Mission was not to be absent for more than two years; that the total annual expenditure was not to exceed £20,000; and that the necessary funds for the purpose were to be supplied by the Inspector-General of Customs, without, if we are well informed, infringing on the ordinary amount of revenue, derived from maritime duties by the Central Government.

22. The reader will now be able to judge for himself, how far the official "brief history" of the origin of the Mission, communicated above (6), is consistent with the facts of the case and with truth. He will understand why in it every allusion to Mr. Hart and the Inspector-General of Customs is so studiously avoided, and even M. Deschamps, a commissioner in the Customs-Service and temporarily appointed to the post of Second Secretary to the Mission, is converted into "a French gentleman, who has accompanied Ping on a visit to Europe." He will be able to explain the otherwise inexplicable circumstance, that the Interpreter of the *British* Legation should have been applied to by the Chinese Government, to induce the *American* Minister to delay his departure for a manifestly anti-British purpose. And he will, no doubt, be prepared to return an answer, satisfactory to his own mind, to the question, Whether the Mission was accepted by the Hon. Mr. Burlingame solely "in the interests of our country and civilisation",—the interests of *his employers* would, in reality, not seem to have troubled his anxiety—; or whether the salary of Eight-thousand a year, with a handsome allowance for travelling-expenses, and "a suite of about thirty persons", may not have had some trifling weight in turning the scale of his "playful repugnance"? However this be: the statement, that his suite included two Chinese gentlemen "of the highest rank", and that the other Foreign Ministers, resident in Peking, "approved of the action of the Chinese, and did all they could to forward the interests of the Mission", contains two more assertions, at positive variance with the truth.

§ 3.

OFFICIAL APPOINTMENT OF THE PRINCIPAL
MEMBERS OF THE MISSION.

23. Over-haste is none of the besetting sins of the Tsung-li Yamên. Generally speaking, its mode of procedure resembles the progress of the tortoise, rather than that of the *s'ôa-ni*¹. But there are exceptions to every rule; and in the exceptional case of the official transformation of the Minister Extraordinary and Plenipotentiary of the United States into an ordinary public messenger of China, His Imperial Highness Prince Kung, apprehensive lest his ambassador elect escape him, thought speed necessary. Within a week after the Hon. Mr. Burlingame's farewell-dinner, the Imperial Rescript for his appointment was issued from the Palace on the 21st November, 1867, and on the same day the Foreign Ministers were officially informed of the fact. A similar Rescript, dated the 26th November, appointed two supernumeraries of the Tsung-li Yamên, Chih-Kang and S'un-Kia-Ku, as Chinese co-ambassadors. The nomination of the two Foreign Secretaries, appended to it, was simply "conceded." Neither Rescript was promulgated through the usual semi-official channel of the "Peking Gazette"; showing, on the one hand, that the Government attached no national importance whatever to the Mission, and, on the other, that it was to be absolutely kept from the knowledge of the Chinese official world at large. The following are the texts of the documents in question, accompanied by a literal and faithful translation of our own, with the official translation of the despatches by Dr. Williams, the Secretary and Interpreter of the American Legation, as published in the "Papers relating to Foreign Affairs, accompanying the Annual Message of the President", by order of the American Government.

¹ A fabulous animal, believed by the Chinese to take steps of five hundred li, or nearly a hundred and eighty English miles.

A.

Imperial Rescript, ordering the Hon. Mr. Burlingame's appointment.

奉 旨 總理各國事務衙門奏使
臣 浦安臣處
事 和平洞悉
中 外 大 體 着
即 派 往 有 約
各 國 充 辦 理
各 國 中 外 交
涉 事 務 大 臣
餘 依 議 欽 此
同 治 六 年
十 月 二 十 六 日

"The Board for the General Control of Individual States' Affairs having respectfully submitted that the Public Messenger P'u-Ngan-Ch'en (Burlingame) transacts business-matters in a conciliatory spirit, and is thoroughly conversant with the fundamental relations of the Central (State) and the Outer (States): it is hereby ordered, that he be appointed to proceed to the Individual States bound by treaty, in the capacity of a high official, to manage such matters as have arisen, in reference to each Individual State, out of the (commercial) intercourse between the Central (State) and the Outer (States). The rest according to prevision. This from the Emperor.

The sixth year of T'ung-Chih, the 26th day of the 10th Month, (November 21st, 1867)."

B.

Circular Despatch of the Board for the General Control of Individual States' Affairs to the Foreign Ministers, resident in Peking, informing them of the Hon. Mr. Burlingame's appointment.

大清欽命總理各國事務
戶部左侍郎崇
兵部尚書文
軍機大臣恭親王
和碩額爾德尼
軍機大臣戶部尚書
都察院左都御史
二品頂戴總理同文館事務大臣徐
照會事照得中國自與
各國換約以來友誼日
敦凡有應辦事件本王
大臣與各國駐京大臣和衷商
酌無不悉求為協分別
施行惟隔重洋從未遣
使前往所有中國辦事
情形無從面達茲

大英欽差入華使臣蒲安臣等奏
 同治六年拾二月十六日
 右貴咨大各國大使於甚相中外中國大局美國
 照會也須至照會者
 會

"The Board-for the General Control of Individual States' Affairs by Imperial command of the Great Ching Dynasty,¹

6	4	2		1	3	5
The	The	The		The	The	The
second-	first	Hon.		Hon.	President	first
rank	Assessor	Member		Member	of the	Vice-
Button,	of the	of the	The	of the	Board	President]
Superin-	Board	Cabinet-	Emperor's	Cabinet-	of	of the
tendent of	of	Council	Uncle,	Council	War,	Board
the Affairs	Censors,	and	Prince	and		of
of the		President	Kung.	President		Revenue,
School of		of the		of the		
Languages		Board		Board		
and		of		of the		
Literature,		Revenue,		Civil and		
				Military		
				Services.		
				Wên.		
Siu,	T'an.	Pau.	Ohin.		Tung.	Chung.

convey (the following) instruction :—

Since an exchange of treaties has been effected by the directing Central State with the Individual (dependent) States, the ties of loyal relations have

¹ Prince Kung is supposed to face the reader. The left side, according to present Chinese notions, being the place of honor, Wên, the Minister highest in rank, is seated on the Prince's left, Pau, next in rank to Wên-Siang on his right; and so on.

grown daily stronger. In all cases of business to be transacted, the Prince and the Ministers have harmoniously deliberated with the Ministers of the Individual States, temporarily sojourning in the Capital, and have always sought to sincerely and cordially concede what was reasonable.

Owing, however, to the Individual States being far distant and separated by wide seas, no (Imperial) Messenger has heretofore been sent to proceed thither; and hence the principles of action, observed by the Central State in transacting business, have never been explained face to face. But now, the former agent of the Mey State (America), the Hon. P'u, having temporarily sojourned in the Capital, possessing an intimate knowledge of the fundamental relations of the Central (State) and the Outer (States), and being of one mind with the Prince and the Ministers, while their confidence in each other is mutual: it has appeared desirable that he should proceed as (Imperial) Messenger of the Central State to the Individual States bound by treaty, for the transaction of such business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), in accordance with the usage of Outer States to mutually appoint (Public) Messengers for temporary residence in each two States respectively.

* Pleased and gratified at the practicability of such an arrangement, the Prince and the Ministers submitted a memorial to the Throne, in answer to which, under date of November 26th, 1867, they have received the following Imperial Rescript:—"The (Public) Messenger Burlingame, transacting business-matters in a conciliatory spirit, and being thoroughly conversant with the fundamental relations of the Central (State) and the Outer (States): it is hereby ordered that he be appointed to proceed to the Individual

¹ If one of the essential requirements of an official translation is, to faithfully render the official style, tone, and spirit of a public document, the versions, which Dr. Williams and, we believe, the Foreign Interpreters at Peking generally, are accustomed to give of the diplomatic correspondence of the Chinese Government and of Chinese state-papers, are hardly entitled to be termed translations. From whatever cause this may arise, the subject appears to us deserving of the attention of the Foreign Governments. We shall here point out only the more striking misrenderings, which occur in the American official paper.

² The despatch is not addressed to the Foreign Ministers by Prince Kung; nor is Prince Kung "Chief Secretary of State for Foreign Affairs." To the Chinese mind the idea is about as absurd, as though His Royal Highness the Prince of Wales had, by the Chinese Mission, been described to the Tsung-li Yamén as the First Lord of the Treasury. The paper is a despatch from "The Board for the General Control of Individual [Tributary] States' Affairs,"—under the Presidency of Prince Kung,—written in the form of an instruction, and in the third, not in the first, person.

³ On the phrase 爲照會事 Mr. Wade (Key to the Tzù Erh Chi. Documentary Series. Vol. i. London, 1867, 4to., Notes p. 2) remarks: "because of, or, in the matter of, communication; 照 in the sense of reflecting light, hence, giving information; 會, of the meeting or communication of different parties. The term 照會, which under certain conditions, the Chinese use to each other, is that determined by treaty as distinguishing despatches between Chinese and foreign officials of equal rank". Suppose it had been stipulated that the English terms "to honor" and "to insult" should signify the same thing: would the stipulation change the

States bound by treaty, in the capacity of a high official, to manage such matters as have arisen in reference to each State, out of the (commercial) intercourse between the Central (State) and the Outer (States). This from the Emperor."

This respectfully copied decree, after having been communicated to the Hon. P'u, is now also transmitted to Your Excellency for instruction and guidance.

The preceding instruction to His Great-English Excellency, [Sir Rutherford Alcock], Imperially appointed to enter China Proper with authority to transact business.

The sixth year of T'ung-Chih, the 26th day of the tenth month (November 21st, 1867.)"

DR. WILLIAMS' TRANSLATION. 1

November 22, 1867.

Prince Kung, ^{now 3rd} chief secretary of state for foreign affairs,² herewith sends a communication³:—Since the time when the treaties with foreign countries⁴ and China⁵ were ratified, the friendly relations between the two parties⁶ have daily strengthened. Every matter that has come up for discussion between the representatives of those nations⁷ now living at the capital and myself⁸ has been deliberated upon with so much sincerity and candour that they have in no case failed to be arranged to our mutual advantage⁹. But all those countries are separated from this by large oceans, and no envoy has hitherto been sent to those lands, and thus there has been no medium through whom the Chinese government could person-

accepted meaning of either term, and Englishmen take them to be synonymous expressions? The Chinese phrase is not used by natives of equal rank., Its tone is commanding: see 照會 used for "a decree", below. The character 爲 in its technical use here, signifies "to convey what, and for the purpose of what, follows", namely 會事 a communication, qualified as 照 an instruction or a direction; compare the immediately following phrase 照得中國 "the directing or direction-giving Central State".

⁴ The term 各國 signifies literally the "Individual States", which compose the 大清國 the Great Ching State or the Empire of the World, and therefore correspond to its 萬國 or 萬邦 ten-thousand States or Principalities, exclusive of the 中國 or Central State. The idea, which we associate with "foreign countries", is unknown to the Chinese.

⁵ Equally unknown to the Chinese is our idea of "China," as Dr. Williams chooses to render 照得中國 "The directing Central State" of the text; mis-translating the principal term, and altogether omitting the qualification attached to it.

⁶ The meaning of 友誼, which Dr. Williams translates "the friendly relations between the two parties", is virtually: "the ties of well-affectedness", i. e. of peaceful allegiance, on the part of the 各國.

⁷ The text has, instead of Dr. Williams' "nations", for which he just now used "foreign countries", again 各國 "the individual (tributary) States."

⁸ The word "myself" has been introduced by Dr. Williams. "The Prince and the Ministers" he omits.

⁹ The text has no trace of "to our mutual advantage."

ally make known its views to their governments,¹⁰ or explain its policy. But now, seeing that his excellency Anson Burlingame, lately the minister residing here from your honorable country,¹¹ has such thorough acquaintance with the internal and external relations of this country, and I myself have such entire confidence and acquaintance with him,¹² it has seemed to be feasible for this government now to adopt the customs of those countries who have sent resident ministers to this,¹³ and it would, moreover, be exceedingly agreeable to me, to commission him as the envoy of his Imperial Majesty's government to all the treaty powers,¹⁴ to attend to and manage whatever affairs may arise between them.¹⁵

I have already stated this matter in a memorial to the throne, and yesterday I was honored by receiving the following rescript:—"The Envoy Anson Burlingame manages affairs in a friendly and peaceful manner, and is fully acquainted with the general relations between this and other countries; let him, therefore, now be sent to all the treaty powers¹⁶ as the high minister,¹⁷ empowered to attend to every question arising between China and those countries.¹⁸ This from the Emperor."

A copy of this rescript has been made known to Mr. Burlingame, and this copy has also now been made to communicate to your excellency, for your information and action thereon.

His Excellency S. WELLS WILLIAMS, *United States Chargé d'Affaires*.¹⁹

¹⁰ The text does not speak of "the Chinese Government"; much less of "their government", namely, that of the 各國.

¹¹ For "the Mey State", the despatch to the American Representative reads "your honorable State". "Country" conveys an erroneous impression. 任 is simply an agent, not a Minister. Instead of "residing here", the text has, as before, 駐京, "having temporarily sojourned"—as at an inn—"in the Capital", namely, of the one Empire Universal of the Ta-Ching.

¹² The text has 本主大臣, "the Prince and the Ministers" for "I myself". The whole phrase has been incorrectly rendered by Dr. Williams. 相孚 does not mean "entire acquaintance", but "mutual affiance", "mutual confidence". Dr. Williams' translation of the whole remaining sentence of this paragraph is almost unaccountable. He has disjointed the phrase as well as the interpunctuation.

¹³ The text has not a word of the feasibility for the Chinese Government to adopt Western customs, or of "those countries who have sent resident Ministers to China".

¹⁴ Dr. Williams has altogether distorted the meaning of the original, which speaks, not of an envoy of "his Imperial Majesty's Government" to all the treaty "powers"; but simply of a public messenger, to be despatched by the (directing or governing) Central State to the Individual (dependent) States under treaty obligations to the former, for the "management" of certain commercial matters.

¹⁵ That the Hon. Mr. Burlingame was not, and could not have been, authorised to manage affairs, which might or might not arise at some future time, need hardly be remarked; and that the matters here in question, are exclusively to be understood as of a commercial nature, is, independently of the text, clearly shown by the Imperial letter of June 7, 1858, (p. 14 above) in which it is said of the American Ambassador, Mr. Reed: "The Messenger of the Mey State, now in Tientsin, is in communication with the high officials, and their intercourse has been mutually agreeable. As soon as the deliberations are concluded, let him return to Canton to attend to the commercial duties of his office as usual."

C.

Imperial Rescript, appointing Chih-Kang and S'un-Kia-Ku, and confirming Messrs. Brown and Deschamps. ✓

旨

家穩府衙摺道花事辦前衙總奉
 穀練禮記器志翎務理往門理
 老安部名識剛記一中有奏各
 成詳郎繁閱模名摺外約請國
 勤以中缺通實海據交各派事
 (慎)之孫知道懇關稱涉國員務

16 The text reads: 著即派往有約各國, literally: "it is hereby ordered that he be appointed to proceed to the individual (dependent) States, bound by treaty"; or "being under treaty-obligations" to the directing Central State.

17 The translation, here given by Dr. Williams of 大臣 as "the high Minister" = "the Great Minister" is positively ludicrous. Every Chinese official of a certain rank or entrusted with certain public offices, to which the title attaches, is styled 大臣, similar to our "the Honorable" or "His Excellency". It is a distinctive appellation of persons even of no higher position than public messengers or common envoys, second-button mandarins like Pin (comp. note 6 page 10), and "barbarian" *Chargés d'Affaires ad interim*.

18 This phrase represents, in combination with that of 大臣, the most important malversion, which occurs in Dr. Williams' remarkable "translation"; inasmuch as both confer on the Hon. Mr. Burlingame the apparent position of a Minister Plenipotentiary of China, and full general powers. The original contains no character corresponding to "empowered", to "every question", to "China", or to "those countries". The literal phraseology of the whole sentence is: "it is hereby ordered that he (the Hon. Mr. Burlingame) be appointed to proceed to the having treaty-obligations individual (dependent) States, in the capacity of a managing each-individual (dependent), State's-out-of-the-Central-and-Outer- (States'-) (commercial-) intercourse-arising-business-Excellency."

19 The address of the despatch, which Dr. Williams would have rendered "His Excellency Sir Rutherford Alcock, K.C.B., Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty", reads in its literal phraseology thus:—"the right-hand [preceding] instruction" [—照會, "decree", by Dr. Williams himself just now translated "rescript" in the sense of an Imperial decree—] (to) the Great-English-(Chinese-) Imperially-appointed-to-enter-China-Propre-with-authority-to-transact-business-Excellency-Lu" [Sir Rutherford Alcock].

出使洵堪勝任等語此次出差
 事屬創始自應量示優異志剛
 孫家穀均着賞加二品頂戴孫
 家穀并賞戴花翎卽派二員前
 往有約各國充辦理中外事務
 大臣以重委任餘依議欽此又
 總理衙門附片奏請
 卓柏安爲出使各國辦理中外
 交涉事務大臣之左協理德善
 爲右協理等語

同治六年十一月初一日

"The Board for the General Control of Individual States' Affairs having submitted a memorial, praying that (Chinese) officials be appointed to proceed to the Individual States bound by treaty, for the management of such business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States): they accordingly declare that Chih Kang, decorated with the peacock-feather and aspirant for a Custom-House taotaiship, a man loyal, true, reliable, sincere, able, well informed, of great capacity and perspicuity, and S'un-Kia-Ku, titular taotai, aspirant for a prefecture, and an (inferior) officer of the Board of Rites, eminently honest, diligent, circumspect, trustworthy, experienced, steady and clever, are proper persons to proceed as (Imperial) Messengers, and well fitted for the discharge of a similar trust, *et caetera*.

Now, this being the first time that such a Mission is set on foot, and it appearing expedient that it should be suitably represented: it is hereby ordered that Chih-Kang and S'un-Kia-Ku be authorised to wear the button of the second rank, and S'un-Kia-Ku moreover the (ordinary) peacock-feather, and that both these officials be appointed to proceed to the Individual-States bound by treaty, to manage such Individual-States'

¹ Mr. Wade (Key to the Tzù Erh Chi, Documentary Series, London, 1867, 4to., vol. i, Notes p. 1) remarks upon 大臣: "ta ch'ên, great servant or minister, the style assumed by officials employed by the Emperor on special missions, or in certain posts fiscal, or colonial, not regarded as of the regular establishment of the State; with the prefix ch'ín ch'ái, commonly rendered Imperial Commissioner." Compare the preceding note 17, page 39.

business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), in the capacity of high officials, in order to lend importance to the Mission entrusted to them. The rest according to prevision. This from the Emperor.

Moreover, The Board for the General Control of Individual States' Affairs have submitted a supplementary memorial, praying that Chò-Pò-Ngan (John Brown) be appointed left hand [i.e. First] Secretary to the high officials, who are to proceed as (Imperial) Messengers to manage such Individual States' business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), and that Tò-Shan (Deschamps) be appointed right hand [i.e. Second] Secretary. Conceded.

The sixth year of T'ung-chih, the 1st day of the 11th month (November 26th 1867)."

D.

Circular Despatch of The Board for the General Control of Individual States' Affairs to the Foreign Ministers resident in Peking, informing them of the appointment of Chih-Kang and S'nn-Kia-Ku.

同治六年十一月初二日	大英欽差入華便宜行事大臣	右照會	貴大臣查照可也須至照會者	諭旨照會	委任欽此相應恭錄	各國充辦理中外交涉事務大臣以重	數並賞戴花翎即派該二員前往有約	旨志剛孫家穀均着賞加二品頂戴孫家	務一摺同治六年十一月初一日奉	旨派員出使泰西各國辦理中外交涉事	照會事本王大臣具奏請

"The Prince and the Ministers [of The Board for the General Control of Individual States' Affairs] convey the following instruction :—

In answer to a memorial submitted to the Throne, praying that (Chinese) officials might be appointed to proceed as (Imperial) Messengers to (certain) Individual States of the West to manage such business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), they have received an Imperial Rescript, dated the sixth year of T'ung-chih, the 1st day of the 11th month : 'It is ordered that Chih-Kang and S'un-Kia-Ku be authorised to wear the button of the second rank, and S'un-Kia-Ku moreover the (ordinary) peacock-feather, and that both these officials be appointed to proceed to the individual States bound by treaty, to manage such Individual-States' business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), in the capacity of high officials, in order to lend importance to the mission entrusted to them. This from the Emperor.'

This respectfully transcribed Imperial decree is now communicated to Your Excellency for instruction and guidance. To His.....Excellency [&c. as before].

The sixth year of T'ung-chih, the 2nd day of the 11th month (November 27th, 1867)."

DR. WILLIAMS' TRANSLATION.

November 27, 1867.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication :

Having memorialised the throne, requesting that his Imperial Majesty would appoint² officers with powers³ to go to all the Western nations⁴ to attend to such matters as may arise between them and China⁵, I was honored⁶ by receiving the following imperial rescript on the 26th instant :

"Let Chikang and Sun Kia-kuh be promoted to wear the button of the second grade of rank, and let a peacock's plume be also conferred on the latter ; let these two officers then be sent to all the treaty powers⁸, qualified⁹ to attend to whatever matters may arise between China and those countries¹⁰ ; and let them pay the greatest diligence to the duties of their office¹¹. This from the Emperor."

I have accordingly respectfully made a copy of the above decree, and have now the honor to transmit it for your excellency's information.

² The text has not the words "his Imperial Majesty". According to Dr. Williams' version, all the appointments to the Mission are made directly by the Emperor of China. This is not exactly the case. They are rather made by the Tsung-li Yamén, authorised by the Emperor.

³ No character, expressing "powers" occurs in the text. The "powers" are those of the translator.

⁴ This phrase conveys an altogether erroneous sense. The envoys are to proceed only to the dependent States under treaty-obligations to "the directing Central State."

⁵ The Imperial Messengers are not instructed "to attend to such matters as may arise between all Western nations and China"; but "to manage such questions of commercial business, as have arisen between the governing Central State, and the governed Outer States.

E.

Circular Despatch of The Board for the General Control of Individual States' Affairs to the Foreign Ministers resident in Peking, informing them of the appointment of Mr. Brown and Mr. Deschamps.

同治六年十一月初二日	大英欽差入華便宜行事大臣	右照會	貴大臣查照可也須至照會者	諭旨照會	旨依議欽此相應恭錄	於同治六年十一月初一日奉	務大臣之左協理德善爲右協理等因	派柏卓安爲出使各國辦理中外交涉事	照會事本王大臣附片具奏請	爲
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⁶ The phrases "I was honored" here, and "have now the honor" below, are an interpolation of Dr. Williams'.

⁸ See the Notes 3 and 4, above. Dr. Williams, certainly, is consistent in mistranslating.

⁹ The meaning of the character 充 is not "qualified"; but, as here, "to act in the capacity of".

¹⁰ See the Note 5, above. Dr. Williams is bent on conferring general powers even on "the two co-ordinate Chinese envoys".

¹¹ Dr. Williams appears to us to have misunderstood the sentence 以重委任, the evident meaning of which is: "in order to give (increased) weight to their weighty trust"; and, being said in reference to the promotion of two supernumerary clerks of the Tsung-li Yamén to the brevet-rank of second-buttons, and their appointment as Imperial Messengers to certain of the "Outer" States, the ironical tone of the phrase is but ill concealed.

"The Prince and the Ministers [of The Board for the General Control of Individual States' Affairs.] convey the following instruction :—

In answer to a supplementary memorial submitted to the Throne, praying that Chō-Pō-Ngan (John Brown) be appointed left-hand [*i.e.* First] Secretary to the high officials, who are to proceed as (Imperial) Messengers to manage such Individual States' business as has arisen out of the (commercial) intercourse between the Central (State) and the Outer (States), and that Tō-Shan (Deschamps) be appointed right-hand [*i.e.* Second] Secretary; they have received a Rescript, dated the sixth year of T'ung-chih, the 1st day of the 11th month : 'Conceded. This from the Emperor.'

This respectfully transcribed Imperial decree is now communicated to your Excellency, for instruction and guidance. To His.....Excellency [*&c.* as before].

The sixth year of T'ung-chih, the 2nd day of the 11th month (November 27th, 1867)."

DR. WILLIAMS' TRANSLATION.

November 27, 1867.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

Having memorialised the throne in a supplementary paper, requesting his Imperial Majesty to appoint J. McL. Brown to be first secretary to the minister plenipotentiary sent by China to foreign powers¹², and M. Deschamps to be second secretary, I was yesterday honored by receiving the following rescript :

"Let it be as requested. Respect this."¹³

I have accordingly respectfully copied the above decree, and have the honor to send a copy for your excellency's information.

24. These documents exhibit some striking features, deserving of notice, and partly relating to the position, assumed by the Chinese Government *vis-à-vis* of the Western Powers, partly to the position, assigned by it to the Members of the Burlingame Mission. To render the whole subject intelligible, a few preliminary observations will be necessary. "To this day," Mr. Wilson, in his recent work on the Tai-ping Rebellion¹, very truly remarks, "the Chinese State is based upon an inseparable union of political, social, moral and religious ideas, which existed in a period anterior to the birth of Abraham." One of the most remarkable of these ideas, of a

¹² Instead of "the minister plenipotentiary sent by China to foreign powers", the boldness of which malversion is surpassing, the text has literally; "the (three) Honorables [P'u, Chih and S'un], who are to proceed as Imperial Messengers to manage such Individual States' business, as has arisen out of the (commercial) intercourse between the (governing) Central State and the (governed) Outer States."

¹³ The phrase 欽此, which Dr. Williams elsewhere and correctly translates "This from the Emperor", is not found in the Imperial Rescript.

religious-political nature, nourished on the one hand by national pride, on the other by geographical ignorance,¹ is the idea of Universal Supremacy inherent in the Crown of China. It constitutes, in fact, the one broad and fundamental principle of Chinese polity. In order that the reader may, from the outset, clearly and fully seize its import, we should observe that, in Chinese philosophy, the Cosmos, consisting of 天 "Heaven" and 天下 "That-which-is-below-Heaven" i. e. the Earth, is absolutely governed by 上帝 "The Supreme Monarch" or God, whose absolute power of governing is termed 天命 "Heaven's power of dominion"; and, so far as regards the Government of the Earth and of Mankind, is by 上帝 "The Supreme Monarch" directly delegated to 皇帝 "The Exalted Monarch (and Highpriest)", whom we outer barbarians are in the habit of styling "the Emperor of *China*". In other words, it is God Himself, who rules the Earth through, and in the person of, His own chosen Representative; and consequently, in the Chinese mind and according to the doctrine of the Chinese Government, there exists on Earth but the one Universal Empire, of which 皇帝 "The Exalted Monarch" is, under Heaven, the sole ruler, and which, politically divided into a Central State, 中國, or China Proper, 華,—the seat of government,—and numerous Outer States, 萬外國, comprehending the rest of the world, forms one single political household, 一家, as absolutely subject to 皇帝 "The Exalted Monarch", as a private Chinese household is subject to the head of the family. The power and position, thus claimed for the Emperor of China, has been so forcibly described by Dr. Williams, that we cannot refrain from quoting here his own words. "The emperor of China", he writes², "is the sole head of the Chinese constitution and government; he is regarded as the vicegerent of heaven, especially chosen to govern all nations; and is supreme in everything, holding at once the

¹ The "Ever-Victorious Army", a History of the Chinese Campaign under Lt. Col. C. G. Gordon, C.B., R.N.; and of the Tai-ping Rebellion by Andrew Wilson, London 1868, 8vo., p. 4.

² The Middle Kingdom; a survey of the geography, government, education, social life, arts, religion etc. of the Chinese Empire and its inhabitants, by S. Wells Williams, 4th edition, New York, 1861, 2 vols. 8vo., vol. i, p. 308.

highest legislative and executive powers, without limit or control. Both he and the pope claim to be the vicegerent of heaven and interpreter of its decrees to the whole world, and these two rulers have emulated each other in the arrogant titles they have assumed.The emperor is the fountain of all power, rank, honor and privilege to all within his dominions, which are ignorantly supposed to comprise all the best parts of the globe; and as there can be but one sun in the heavens, so there can be but one *huangti* on earth, the source and dispenser of benefits to the whole world.He is the head of religion, and the only one qualified to adore heaven; he is the source of law, and dispenser of mercy; no right can be held in opposition to his pleasure, no claim maintained against him, and no privilege protect from his wrath. All the forces and revenues of the empire are his.In short, the whole Empire is his property."

25. Nor is this lofty idea of Chinese supremacy, though it would seem to have reached its highest degree of intensity during the brilliant and successful reign of Chien-lung, one of recent origin. We already find it to pervade the most ancient records of "the multitudinous people"; and, notwithstanding the rude trials which, in our days, it has been made to undergo by European arms and diplomacy, it continues to hold its undiminished sway, and meets the eye in almost every work of their current political and historical literature. When, from our Western standpoint, we attribute to the Chinese people our own knowledge and political ideas of "kingdoms" and "empires", of independent "nations" and "sovereigns",—ideas, to which they are utter strangers,—we commit as great an error, as though we were to ascribe to them the actual possession of railways and telegraphs, or to their Government the love of foreigners, and the desire for progress. This was already, though somewhat faintly perceived by Sir George Staunton, who remarks¹:—"The Chinese seem scarcely, to this day, to entertain a distinct idea of peace or war, in the sense in which we employ those terms. With them there is no peace which does not, in some measure, imply submission: there can be no war, which does not

¹ Narrative of the Chinese Embassy to the Khan of the Tourgouth Tartars, in the years 1712—1715, by the Chinese Ambassador etc. Translated from the Chinese by Sir George Thomas Staunton, Bart., London, 1821, 8vo., Preface p. vi.

at the same time savour, in some degree, of rebellion". The full truth is,—because, in accordance with the notions of the Chinese Government and the Chinese people at large, the Emperor sways Heaven's own power to rule the Earth and mankind,—that war and rebellion, peace and submission, respectively, are with them strictly synonymous terms.

26. It is the complete mastery, which this notion of the divine, absolute and universal nature of the Imperial power, blindly entertained, long nurtured, and deeply rooted, exercises over the national mind of the whole Chinese race, that its importance lies. Combined with the democratic element, it constitutes, in fact, the strength and vitality of the Chinese Government, which, consequently, never fails to uphold and enforce it in its widest bearing. And in this view we are once more supported by the authority of Sir George Staunton, who observes¹:—"What is commonly considered the oriental style is not much observable in the generality of Chinese compositions, except when the object is to display their political pretensions, on which occasions such expressions are not mere words, of course, but actual assertions of a right, the acknowledgment and enforcement of which they appear never to neglect whenever prudence or policy will permit.....There can be no doubt but that the Chinese Government continues even to this day to derive some strength and advantage from these lofty pretensions, and that with them the empire of opinion goes a great way, both in this and in other respects, to supply the place of that of the sword." In reality, the doctrine of Heavenly Supremacy inherent in the Crown of China represents, as we have already indicated, the main foundation, on which the whole structure of Chinese polity is made to rest.

27. After these explanations, the reader will be better prepared to enter into the spirit, and to appreciate the purport and bearing, of the technical terms, employed by the Chinese authorities in the preceding state-papers; for, *that the spirit of no political document, emanating from the Government of China, can be understood and*

¹ Narrative of the Chinese Embassy to the Khan of the Tourgouth Tartars, p. 35, note.

rendered truly, without the fundamental political views and pretensions of that Government being borne in mind, we need hardly say. The first question, therefore, which presents itself, relates to the constitutional and legal position of the Tsung-li Yamén, as the sole medium of communication between the Emperor, or the Imperial Government, of China and the Western Powers. Usually, **總理各國事務衙門**,—or, as here, with the names of the temporary members, composing the Board, substituted for **衙門**,—is now translated by the Interpreters of the Foreign Legation in Peking, the Inspector-General of Customs, and other officials: “the Foreign Board” or “the Foreign Office”; and not only is its position held, or represented, to be strictly analogous to that of our own Foreign Office in Downing-street, but the Board is actually identified with “the Chinese Government”. It would be difficult to commit a graver error; and the error is the more unaccountable, as the Chinese designation of the office in question, is sometimes rendered, with at least an approach to the truth, “the office for the *superintendence* of foreign affairs”, as by Mr. Wade, or “general *managing* of foreign countries” as by Dr. Williams; while the literal version: “Office for the General Control of Individual States’ Affairs”, or, as more correctly stated in the preceding despatches: **大清欽命總理各國事務** “The Ta-Ching-Imperially-appointed-for-the-General-Control-of-Individual-States’-affairs [Commission, consisting of] Prince Kung, Wên, etc., leaves no doubt as to the true character of the Board. The grammatical construction of the sentence appears heavy, because, peculiar to the Chinese language, it is to us strange and unaccustomed. Prince Kung and his associates are the subjective, to which the preceding terms form a compound adjective, centering in **命**, “commanded”, “appointed”, or rather, as it directly governs the following noun, “commanded to”, “appointed for”. **命** in its turn is qualified as **大清欽**, “Ta-Ching-Imperially”, by Imperial authority of the Great Pure Dynasty. **理**, “control”, with the predicate **總** “general” is the objective relatively to **命**; as **事務**, “affairs”, namely **各國**, “of the single States”, in the genitive case to the latter, is the objective

relatively to 理, which possesses the same directly governing power as does 命, and has therefore to be rendered "the controlling", or "the control of". 各 forms the contrast to 總. The "control" is 總, "general", or extends over 各國, "each single" State, or those "individual" States, = 萬國, "the ten thousand States", which constitute the 大清國 "the Great Ching (State or) Empire of the World." There is no element, contained in the designation of "the Tsung-li Yamên" indicative of the idea "foreign"; and to translate it "the Foreign Office" is a wilful perversion of the truth. The action of the Board, or rather Commission, relates exclusively to "home" affairs, in the Chinese sense of the general affairs of 一家, the "one household" of the Empire Universal of the Ching. Its title asserts, distinctly and in terms not to be mistaken, the Supremacy of the Emperor of China, and the dependence on, or rather subjection to, his rule, of every State of the Globe. For the Western Sovereigns to treat with a Board, thus designated, is to explicitly admit and acknowledge their subordinate position, not merely as tributary princes, but as actual *subjects* of the one Lord of the Universe, according to the maxim of Prince Kung and the Chinese generally, that "there are but an Emperor and subjects" ¹.

28. The position of the "Commission" or "Board for the General Control of Individual States' Affairs" is a very anomalous one. Its origin dates from the year 1860, when Prince Kung, assisted by two mandarins, was appointed Chief Commissioner to conduct the negotiations with Lord Elgin. It possesses no other general authority. In the 大清摺紳全書, or the official government-directory of the Ta-Ching Dynasty ², which is revised and published every three months, *the Tsung-li Yamên will be found to occupy no place*. In short, it has, as a public office, no recognised or legal existence;—a fact, which is incidentally confirmed also by Dr. Williams, in his despatch of January 25, 1868, to the American Government. "The Board of Foreign Office", he

¹ A Series of Essays by Prince Kung, recently published for private circulation, under the title: 樂道堂文鈔, Peking, 1869, 5 vols. 8vo., ch. i, fol. 5, b.

² The work, in four stout closely-printed octavo volumes, is also labelled 摺紳全函. Its latest preface is dated the 6th year of Tung-chih (1867). It is invariably bound in red.

therein reports¹, "notwithstanding its great influence and the high rank of its members, has hitherto no legal existence of itself, but at present consists of the presidents of four of the six boards, viz., civil office, revenue, punishments, and works, and two other high officers, who have been detailed to join in its deliberations under the chairmanship of Prince Kung. The members act in it conjointly under the style of the Tsung-li Koh Kwoh Sze, or general managing office of foreign countries; but individually they are responsible also for the conduct of their own departments to the general council of the Government." On account of this personal responsibility, Prince Kung made at first strenuous efforts to free himself of it, and to cause the Commission to be merged into the constitutional Board of Revenue²; because he, like the Chinese generally, look upon the Tsung-li Yamén, after the rebellious Ying and Fa States (England and France) have once more returned to obedience, simply as an office for certain fiscal and commercial arrangements between those (and some other) Outer States and the directing Central State of the Ching Empire. The Imperial Government, however, for obvious reasons declined entertaining the proposition of the Prince³. Hence, the authority of the Tsung-li Yamén is of a very restricted, vague and unsatisfactory nature. In fact, with the exception of certain ill-defined powers relative to the proper control of the commercial intercourse of China with, what she claims to be virtually, her transatlantic possessions, it is invested with no authority whatever, save such authority as, in each individual case and for each special purpose, it derives by special Imperial Rescript from the Emperor. Thus, when the Board is desirous merely to establish some additional school⁴; or to engage for it a foreign professor⁵; or to adopt a new flag⁶; it has first to memorialize the Throne on the subject, and if the Imperial sanction be withheld,

¹ See the despatch, which will be communicated further on.

² Two Memorials by Prince Kung and his two coadjutors—the original Commission or Board, constituting the Tsung-li Yamén—submitted to the Throne in 1861 ("The North-China Herald" for Nov. 2, 1861).

³ Imperial Rescript of June 19, 1861. (Ibid.) "The Imperial Edict in reply to the first Memorial (of the Tsung-li Yamén)", the Editor of "The North-China Herald" very pertinently remarks on the occasion, "is worded in evident recognition of the importance of the foreign question, but it nevertheless shows that the wish of the

the thing cannot be done; unless it be done altogether without that sanction, *i.e.*, illegally, and on the personal responsibility of the commanding or acting official. The important bearing of this state of matters on the position of Western relations, both political and commercial, with China need hardly be pointed out. We shall have to revert to it hereafter.

29. Next to the designation of the Tsung-li Yamên, *i.e.*, the Commission, who have hitherto acted as the only medium of communication between the Chinese Government and Foreign Powers, or rather who, in the Chinese sense, are charged, by the Great Exalted Monarch of the Ta-Ching Empire of the World and High-priest of Mankind, with the control of the commercial intercourse between the governing Central State of that Empire, and its governed Outer States, the most remarkable feature of the despatches from the Tsung-li Yamên to the Foreign Ministers resident in Peking, consists in the designation of the Ambassadors, to whom they are addressed. The phrase 右照會 is usually not translated. The Chinese write in perpendicular columns, from the top of the page downwards, and from the right-hand side of the page towards the left. 右 signifies "the right hand", or "that which is on the right hand", here according to our mode of expression, "that which precedes", "the preceding". Mr. Wade, in explaining a despatch, which concludes with the not uncommon formula: 須至照會者, remarks upon our form of address:⁷ "Treat *chao 'hui* as the verb to communicate, its subject being the foregoing clause terminated by *ché*,—the communication &c., to the right = above, is communicated [to the person whose titles follow]". But by a similar "treatment" every rule of Chinese grammar and syntax is set at defiance. We have already shown, that 照會 signifies "a directing communication to", "an instruction for". It

Court was to throw the responsibility of everything that concerned the intercourse of other countries, upon the Prince or his party."

⁴ Memorial of the Tsung-li Yamên, Dec. 11, 1866.

⁵ Memorial of the Tsung-li Yamên, February 1867.

⁶ Tsung-li Yamên's Despatch of Oct. 22, 1862, to the American Minister (Papers relating to Foreign Affairs, Washington, 1864, part ii, p. 836).

⁷ Key to the Tzû Erh Chi. Documentary Series, vol. i. London, 1867, 4to. Notes, p. 3.

is here a compound noun, to which 右 forms the adjective. Instead of "the preceding instruction for", our custom is simply to write: "To", or else to omit it altogether. The grammatical construction of 大英欽差入華便宜行事大臣 is similar to that of the designation of the Tsung-li Yamén. The subject is 大臣, a noun, to which the remainder of the phrase constitutes a compound predicate. His Excellency [Sir Rutherford] is in the first place 大英 a "Great-English" Excellency i.e. a high official of the Great (Tributary) Ying State. In the second place, he is 欽差 an "Imperially appointed Excellency", i.e. appointed on the part of or by the Emperor of China; for, to no other personage is 欽 applicable. Lastly he is a 入華 "to enter China Proper", 便宜 "with authority", 行事 "to transact business"-Excellency. That 差 is here an adjective, "appointed", and that 欽差 cannot be construed into an envoy of the Queen of England, is, independently of the restricted sense of 欽, proved by the following verb 入, and the absence of 國 after 大英. The meaning of the address, therefore, is plain, and grammatically unquestionable. It is in perfect accordance, moreover, with the title of the Commission, and the general state-doctrine of the Chinese Government, previously indicated (24—26).

30. Indeed, that doctrine of Universal Supremacy, it will be found, is upheld with unyielding consistency throughout the documents communicated. They represent the world as divided into 中外 "the Central and the Outer",—a household term for 天下, "the Earth", which latter expression is avoided because of the objections, raised against its use by the Foreign Ministers. The relation of 中國, "the Central State" or China, to 外國, "the Outer States", is distinctly stated to be that of 照得國 "the directing or governing State" to 有約各國, certain "individual dependent States bound by treaty", or "under treaty-obligations" to the former; that is to say, States like North-America, England, France, and Russia, not only,—as so many 各國 "Single States" out of 萬外國 "the numberless Outer States", which, together with China Proper, constitute 大清國 "The Great Ching (State or) Empire",—generally subject to the

Central Government, but moreover bound to it by special agreements. The effect of these agreements or treaties is described as having daily strengthened 友誼, "the ties of loyal relations", or rather the ties of loyalty and well-affectedness on the part of the dependent individual States towards the Central Government. Peking is "*the Capital*", namely of the Empire Universal of the Ching, at which the Messengers of the Outer States—使臣, a term, applied only to envoys from, and to, tributary countries or dependencies—are permitted, 駐 "temporarily to sojourn"; and the decrees of the one Emperor of the Earth are communicated to them for their instruction and guidance.

31. As a general rule, the Chinese Government, whenever an embassy has been sent to some distant dependency, have selected, for representatives of the Emperor, men of rank and distinction. Not so in this instance: possibly, as Tséng-Kuo-Fan is said to have remarked, because "no respectable Chinaman could be induced to accept the post"; more probably from a desire, on the part of the Tsung-li Yamên, to please the Court, and to strengthen its position by evincing contempt for the Western Sovereigns. The former Minister Extraordinary and Plenipotentiary of the United States, sunk to the level of a common "barbarian," is accordingly treated as a simple "subject" of the Ching Emperor; commanded to proceed, as an ordinary "Public Messenger" of the Chinese Government, to certain dependent States of the Western Imperial dominions for the purpose of "managing" certain commercial matters; and is hence designated by the honorary appellation of 大臣, "Excellency" or "the Hon.", happening to attach to the *post* of Imperial Messenger. No personal Chinese rank whatever is conferred on him. He holds not even the position of a Mandarin, 官 or 員; but, in the Chinese sense, is a mere foreign hireling. His two native coadjutors, Chih-Kang and S'un-Kia-Ku, are men of low extraction. They were employed as *supernumerary clerks*,—a crowd of whom, while aspirants to some official appointment or magistrature, attach themselves to every Yamên throughout the country,—at the Yamên for the General Control of Individual States' Affairs, and from a fear lest the Foreign Ministers should

raise objections on account of their inferior position, were promoted, far beyond their merits and claims, to wear, in a titular sense, the button of the second grade, together with the ordinary peacock-feather. Thus they are in rank greatly superior to the Hon. Mr. Burlingame, holding as he does no Chinese rank at all. Let it be remembered, however, that a mandarin even of the first class is still below the lowest class of Chinese nobility or that of a 男, nominally corresponding to our Baronet; and that the buttons of the Chinese are but the emblems of *literary distinction*, showing the wearer to be fit for public employment of a more or less important nature, but which he may, or may not, have been so fortunate as to secure for himself. We shall pretty correctly designate the standing of the two native Imperial co-messengers, by adding to their names the honorary title of L.L.D.

32. There are, then, embodied in the documents, communicated above (23), five or six points, which are entitled to special attention. The *first* is, that the Sovereign, whom Western men designate as the Emperor of *China*, claims to be the one absolute Monarch of the Earth, furnished with Heaven's own power of dominion; and, hence, treats the various empires of the West,—including the United States of America, England, France, Germany, and Russia,—as so many individual principalities, dependencies or provinces, comprehended under the general name of the *Outer States* as distinguished from the directing *Central State* or *China*, and constituting together the Empire Universal, of which and its entire population, his subjects, he is the sole lord and master. The *second* point is, that the Autocrat of the World and his Government look upon the Treaties, forced from them by, and concluded with, England and other Western Powers, only in the light of *special bonds*, entered into by those Individual dependent States towards the directing Central State, as the seat of the Government Universal. The *third* point is, that the Tsung-li Yamên is not “the Foreign Office” or “the Foreign Board”, or any other recognised Board, of the Chinese Government, much less that Government itself; but simply a temporary Commission, charged with the general control of the commercial affairs of the various dependent

States of the World, composing the Ching Empire, in their relation to the ruling Central State; and possessed of no authority whatever, except such authority, as it may obtain, for special purposes by special Imperial rescripts, from the Chinese Government *i.e.* the Emperor himself. The *fourth* point is, that the Burlingame Mission is not a diplomatic or political embassy from one sovereign to another, but a mission from the one Autocrat of the World to certain feudal chiefs and princes, his vassals and subjects, for the purpose of verbally explaining to them the principles of action, observed by the Government Universal in its commercial dealings with the more distant principalities or Individual States of the Ching Empire. The *fifth* point is, that, even viewed in this light, the personal character of the Mission is not only incompatible with the dignity of the Courts, to whom it is sent, but implies an intentional insult to those Courts. And the *sixth* and last point is, that, so far as appears from the documents in question, no real powers whatsoever are conferred on the Mission, whose sole authority consists in making the explanations, just referred to, and in "managing", to the best advantage of the directing Central State, certain commercial matters, pending between it and some of the tributary Outer States..

§ 4.

THE PRINCIPAL MEMBERS OF THE MISSION.

33. The people of the United States are still in the habit of extemporising their diplomatists. As they would seem to look upon almost any citizen as a fit person, for a certain number of years to govern their great commonwealth; so it is but natural, that they should consider almost any citizen a fit person to represent that commonwealth and its government abroad. It happens not unfrequently, however, that the Representatives are chosen from a large body of men, known as professed politicians, whose position is not held in very high estimation by the American people themselves, and still less so by their neighbours. The Hon. Mr. Burlingame is one of the most distinguished members of this class; having abandoned the profession of the law for that of politics. Some years ago he was by a grateful government appointed Envoy

¹ As there exists some difference of opinion as to the origin and the nature of the "co-operative policy" in China, we will subjoin from Mr. Burlingame's despatch to the American Government, of June 20, 1863, containing "the history of his efforts in that direction" (his letter of June 15, 1864, to Consul Seward, Diplomatic Correspondence, p. 429) what is needful for an understanding of the question. "In despatch No. 18, of June 2, 1862", the Hon. Mr. Burlingame reports (Papers relating to Foreign Affairs, Washington, 1864, part ii, p. 859; part iii, p. 429) "I had the honor to write: 'If the treaty powers could agree among themselves to the neutrality of China, and together secure order in the treaty ports, and give their moral support to that party in China in favor of order, the interests of humanity would be subserved.' Upon my arrival at Peking, I at once elaborated my views, and found, upon comparing them with those held by the representatives of England [France] and Russia, that they were in accord with theirs. After mature deliberation, we determined to consult and co-operate upon all questions.....Sir Frederick Bruce prefers.....that I might rely upon it that he would do all he could to relieve England from the charge of being the 'great bully' of the East; to relieve her 'from the dilemma of being forced by local clamor to commit acts of violence, which, though in accordance with past usage, and perhaps justified by our (their) former situation, do not fail to jar unpleasantly on the conscience of England and of the civilised world'. The force policy was wrong, and he was sure that his Government had had enough of wars brought about through hasty action of men in the East not under the sway of large ideas. He was for a change of policy.....In all our conversations he, with great force, urged the adoption

to Vienna; but the Austrian Court declining to receive him, his destination was changed to Peking, where the Imperial Court is known to receive, for the present at least, the Ambassadors of no foreign country. Here, supported by the easy-going and as a diplomatist much overrated British Minister, the late Sir Frederic Bruce, he obtained a certain degree of popularity, and assisted in initiating the so-called "Co-operative Chinese Policy,"¹ of the authorship of which the credit was conceded to him, and which, notwithstanding its grammatical frailties, actually survived until the Hon. Mr. Burlingame himself, as one of the first acts in his new capacity of Chinese Envoy, consigned it to a well-deserved oblivion.

84. The chief question, however, which we have in this place to consider, is: whether, from the Chinese point of view, the Hon. Mr. Burlingame and his colleagues are fit and proper persons, to have been sent as political Envoys by the Monarch of the Ching Empire to the Western Courts? There is, exactly speaking, no precedent for the case. As a general rule, the Envoys should have held at least a similar rank or position in China, as are held, in their respective countries, by the Foreign Ministers, resident in Peking; although this is a matter of courtesy and policy, rather

of a co-operative policy in China, and, as a representative of the largest trading power here, said that he was willing to lead in a liberal direction. Indeed, so striking were his views, and so in contrast to what had hitherto been the English policy, and so in accordance were they with the policy strongly urged by me before I came to Peking, that I expressed a warm desire that he would present them to his Government, that they might become the basis of our future co-operation. He accordingly wrote the powerful despatch marked A, which he communicated to me for my private use, and which, with his permission, I send to you confidentially, with the most positive request that it is not to appear until it is first published in England. Upon this frank avowal of the policy of England, it would be impossible to refuse co-operation. The Russian Minister and myself both concurred in the view that the position of Sir Frederick was just what we desired, and we hailed with delight its avowal. The French minister, M. Berthemy, agrees with us.....That policy has been fully approved of by our Government, and I believe by every other treaty power. It is briefly this: to consult and co-operate in China upon all material questions; to defend the treaty ports so far as shall be necessary to maintain our treaty rights; to support the foreign customs service in a pure administration, and upon a cosmopolitan basis; to encourage the Chinese Government in its efforts to maintain order; to neither ask for nor take concessions of territory in the treaty ports, nor in any manner interfere with the jurisdiction of the Chinese Government over its own people, nor even menace the territorial integrity of the Chinese empire."

than of established *étiquette*; ¹ the first condition being their *fitness* for the post ². If we may judge of this fitness by the results of the Mission, so far as they are at present known here, it would probably have been difficult for the Chinese Government, counselled by Mr. Hart, to have chosen three persons, less qualified to represent the Ching Empire abroad, than the Hon. Pu'-Ngan-Chên, Chih-Kang and S'un-Kia-Ku. Their first public act has been to exceed their powers in concluding a treaty which they had no authority to conclude; they have compromised the Central Government of the World in every way, and by every means; they have, it is true, by wilful misrepresentations, without a parallel in the history of diplomatic Missions, obtained in England certain ephemeral advantages, only, however, to induce, sooner or later, a reaction, which is sure to come, and the consequences of which no one can foretell; in short, they have, while failing in all their real objects, exclusively succeeded in preparing dangers and future troubles to their employers. And might not this, so far as the Hon. Mr. Burlingame is concerned, have been clearly foreseen? Or, could, perchance, principles, judgment, and common-sense have been expected from a man, willing to exchange the honorable position of Envoy Plenipotentiary of his own country,—a free great, enlightened and powerful Christian Republic,—for that of an adventurer and the hireling of a prostrate foreign, semi-barbarous, and heathen Sovereign, pretending to be the divinely appointed Autocrator of the whole Human Race?

35. Surely, the Hon. Mr. Burlingame was in every sense as unfit a person, as might be, to be selected by the Son of Heaven as "the exponent of his ideas." He knew absolutely nothing of those ideas. He was denied admittance to the very threshold of the Imperial throne. In the Chinese sense, he is "a Barbarian," in position below the meanest labourer of the native race. He holds no stake in the country. He is equally unacquainted with "Chinese and Foreign relations." He is utterly ignorant of the political constitution of the Chinese Empire, and the language of the Chinese

¹ Compare: *Le Guide Diplomatique* par le Bn. Charles de Martens, 4 édition, Paris, 1854, 2 vols. 8vo., vol. i, pp. 44—46.

² *Ibid.*—p. 50: "*Du choix des personnes.*—Ici, plus que pour toute autre fonction,

people. He understands and understood not a syllable of the Letter of Credence, of which he was to be the bearer. He was being treated with something like contempt by, or in the name of, the Emperor, and misled by the Ministers of the Tsung-li Yamên, without being aware of it. He had to take his instructions through Interpreters, who might, or might not, properly understand those instructions themselves, and who might, or might not, be interested in conveying them to him in an incorrect or a distorted form. He possessed no personal means of securing himself against being imposed upon; and could offer no guarantee that he spoke the real sentiments of the Chinese Government. The Chinese Government, on their part, were as uncertain, whether their American Envoy comprehend them, as the American Envoy was, whether he comprehended his Chinese Government. Finally, when the Hon. Mr. Burlingame intrigued for, obtained, and accepted, the post of Chinese Envoy, he was still in the service of, and represented, the Government of the United States; this change of service was doubly illegal; it constituted, to use a vulgar but significant expression, a job, in the worst sense of the term; and the Emperor of China, in inducing his envoy elect to desert the duty, with which he stood charged by his own country, could expect him to transfer that duty to China on the only hypothesis, that his fidelity and zeal would prove proportionate to the salary offered.

36. Of the Foreign Secretaries to the Mission, Mr. John McLeavy Brown passed his examination before the Civil Service Commissioners, in 1861, to be a Student-Interpreter in Peking; was promoted to an Assistant in 1863; and in the following year appointed Assistant Chinese Secretary. He speaks the vernacular language of the Northern Capital with much ease and fluency; and in intellect and general information is greatly the Hon. Mr. Burlingame's superior. Like the latter, Mr. Brown is unreliable, plausible, imaginative, sanguine, and ambitious; like Mr. Hart, he is an Irishman, and strongly imbued with Fenian sentiments. Of M. Deschamps, as a subordinate of the Inspector-General of Chinese

la première condition requise du titulaire est d'y être propre. Mais presque partout le choix est influencé par des considérations secondaires, telle que la naissance, la religion, la fortune &c."

Maritime Customs, and the two native co-envoys, as supernumerary clerks attached to the Tsung-li Yamên, we have already spoken. The so-called "Attachés" have been taken from a number of needy youths, who are induced by a small allowance of pocket-money,—about £10 sterling per annum,—to attend the Elementary Schools of Languages, established in 1862 by "the Foreign Board" at Peking, under the name of the *T'ung-Wên Kuan*, and by the Burlingame Mission, Mr. Hart, and others palmed upon the West as "the New University of China for Western Sciences and Learning." We have, at the invitation of the Rev. Dr. Martin, then the English school-master, now—*multum in parvo*—"the President" of, and Professor of Hermeneutics, International Law, and Political Economy in, that "University", assisted at one of the reading-lessons of the Attachés referred to, and seen their rev. tutor, while the native teacher had his head shaven and was cooking his breakfast in "the lecture-room" order two of the most distinguished of their number, like naughty school-boys, into the corner and place a fool's cap on their button-adorned heads. They are, most of them, the sons of hard-working tradesmen; and the mother of one of these half-educated diplomatic representatives of Young China, who is understood to have played a somewhat prominent part in Parisian Society, offered her services, a year or two ago, as nurse to one of the missionary ladies resident at Peking. We allude to these circumstances, not in disparagement of the youths, attached to the Burlingame Mission, but solely with the view of pointing out the true character of an "Embassy" whose members have been received with signal honors by the Western Courts, and admitted to the most exclusive circles of Western Society.

§ 5.

THE HON. MR. BURLINGAME'S LETTERS OF CREDENCE.

37. Considering the nature and tendency of the official documents regarding the Burlingame Mission, which have been communicated above (23), in connection with the alleged adoption of the principles of Western International Law by the Chinese Government and its full acquaintance with the rights and duties of diplomatic intercourse¹: it becomes an interesting inquiry, how the Imperial Letter, accrediting the Hon. Mr. Burlingame and his co-envoys to the Western Courts, has been worded, and in what manner or by what means the Ministers of the Tsung-li Yamén have contrived to reconcile the pretensions of the Sovereign of China with the Sovereign-rights of the Princes of Europe; unless, indeed, the former should have waived the claim, sustained by his ancestors and their predecessors through the space of four thousand years, or the latter should have openly acknowledged themselves to be but the humble vassals of the one true Autocrator of the World. Both suppositions being equally inadmissible, what still adds to the interest of the problem, is the circumstance that the Letters, of which the Hon. Mr. Burlingame is the bearer, are the first Letters of Credence which any Emperor of China has condescended to address to Foreign Potentates; and the latter, having received and accepted these missives, the forms employed in them, we may assume, will be resorted to, as an established precedent, on any future occasion. The letters are written, on yellow paper, in Manchurian and Chinese. We are enabled to reproduce both texts, followed by a version, our aim in which has been to give a faithful, yet a softened rather than a literary and extreme rendering. In

¹ See Mr. Hart's "Note on Chinese Matters", 1, in the Appendix.

short, we have followed the example of Sir George Staunton in translating as "literally as possible, and when a literal version was impracticable, employing the phrase, which appeared most analogous in our language"; leaving its elucidation to the succeeding commentary.

F. 96160

The Hon. Mr. Burlingame's Letter of Credence, addressed by the Emperor of China to the Queen of England (and other Western Powers).

大清國

大皇帝問

大英國

大君主好朕寅承

天命中外一家眷念友邦永敦和

天
命
中
外
一
家
眷
念
友
邦
永
敦
和

好特選賢能智士前駐京合衆國使臣蒲安
臣熟悉中外情形於辦理兩國交涉事宜可
期代達衷曲并派二品銜
志剛孫家穀同赴
大英國俱應特簡重任大臣以爲真心和好之

۸۳۸

據朕知此三臣均忠勤醇謹必能辦理妥協
 務望推誠相信得以永臻友睦共享昇平諒
 必深爲歡悅也

同治六年十二月初六日

英皇陛下
 敬啟者
 茲奉 諭旨
 命 李鴻章
 爲 欽差
 大臣 辦理
 各國通商
 事務 欽此
 在案 竊維
 貴國與我
 中國 通商
 以來 歷有
 年所 貴國
 使臣 屢蒙
 優待 誠恐
 貴國 使臣
 未必 悉知
 中國 禮儀
 及 官制
 等情 茲特
 將 中國 官
 制 及 禮儀
 等情 繕寫
 清單 呈請
 貴國 使臣
 查閱 庶幾
 貴國 使臣
 於 中國 禮
 儀 官制 等
 情 瞭如指
 掌 而 貴國
 使臣 於 中
 國 禮儀 官
 制 等情 亦
 必 深爲 歡
 悅 也 此 佈

The Great Exalted Monarch and Highpriest of
 The Great Ching Empire of the World to
 The Great Lady of
 The Great Ying State [England, as one of the States of the
 Ching Empire Universal]

condescending greeting. I, THE EMPEROR, having with reverence received from

Heaven the dominion of the Central and Outer World, one household; and graciously taking into consideration the durable and effectual unification of My well-affected Principalities, have with this view chosen worthy, able, and well-informed men, viz., the former United States' Messenger P'u-Ngan-Chên—Burlingame—who, having temporarily sojourned in *the* Capital [namely, of the Ching Empire Universal], is thoroughly conversant with the relations of the Central and Outer States, and of whom I may expect that he will discern, on My behalf, in the management of such business as has arisen out of the commercial intercourse of both States, that which is equitable and admissible, and that which is unfair and inadmissible: and together with him I have appointed Chih-K'ang and S'un-Kia-Ku, titulants of the second grade; for all of them to proceed together to the Great Ying State in the capacity of Ta-chên (Honorable), duly and specially chosen for this responsible trust,—a proof that My sincere desire is a perfect concord.

I, THE EMPEROR, know that these three servants, equally loyal, discreet, incorruptible, and zealous, must be able to bring about a firm union; and I confidently expect that, mutually sincere, entire faith will be reposed in them, so that a permanent state of due concord may be arrived at, and peace and tranquillity may prevail on all sides.

Great, I am sure, must needs be the joy and satisfaction hereat [namely, at the receipt of this Imperial letter].

The sixth year of T'ung-Chih, the sixth day of the twelfth month (December 31, 1867).

G.

Quasi-official and "approved" Version of the Letter of Credence, on the strength of which the Mission was received by the Western Powers.

His Majesty the Emperor of
Majesty the

China salutes

of

In virtue

of the Commission we have with reverence received from Heaven, and as China and Foreign nations are members of one family, We are cordially desirous of placing on a firm and lasting basis the relations of friendship and good understanding now existing between Us and the nations at amity with China.

And as a proof of our genuine desire for that object, We have specially selected an officer of worth, talents and wisdom, Anson Burlingame, late minister at our capital for the United States of America, who is thoroughly conversant with Chinese and Foreign relations, and in whom, in transacting all business in which the two Empires of *Q 100* have a common interest, We have full confidence as Our Representative and the Exponent of Our ideas.

We have also commissioned Chih Kang and Sun Chia-Ku, high officers with the honorary rank of the second grade, to accompany Mr. Burlingame to where Mr. Burlingame with the two so appointed will act as Our High Minister Extraordinary and Plenipotentiary.

We have full confidence in the loyalty, zeal and discretion of

¹ There was published, in "The North-China Herald" for Nov. 23, 1869, an anonymous translation of the Credentials (A), with the Editor's remark, that he "specially relied on it as literally and accurately rendered." For this reason we add it,—as a curiosity of literature, however, rather than as a noticeable version of the Chinese text,—and, for the sake of comparison, subjoin, from the same Journal, four more translations.

A.

We the Great Emperor of the Great Pure Dynasty ask after the welfare of the Great Queen of the Great English nation.

We have received the Divine Commission. Central and outside people are but one family. We regard with affection friendly States, and the promotion of lasting amity therewith. We have specially selected the virtuous, able and sage Anson Burlingame, late Minister for the U. S. in Peking, who, being thoroughly versed with central and outer affairs, may be depended upon to convey on our behalf our most

the said three Ministers, and are assured they will discharge satisfactorily the duties intrusted to them, and we earnestly request that the fullest credence and trust may be accorded to them, that thereby Our relations of friendship may be made permanent and that both nations may enjoy the blessings of peace and tranquillity, a result which we are certain will be deeply gratifying.

Dated this the 6th day of the 12th moon of the 6th year of Our Reign, T'ung Chih (December 31, 1867).

Translated by

(Signed) J. M. L. BROWN,

First Secretary of Chinese Mission.

Translation approved.

(Signed) S. WELLS WILLIAMS,

U. S. Chargé d'Affaires ad interim.

(Signed) ROBERT HART,

Inspector-General of Imperial Chinese Maritime Customs.

(Signed) W. A. P. MARTIN,

Professor of Hermeneutics and Translator in the Imperial Foreign College, Peking.

33. Before we proceed to establish our own translation of the interesting state-paper communicated above, it will be as well to offer a few general remarks on the essential differences, which the reader will not fail to notice between that translation and the quasi-official version, and similar renderings of the same document by others.¹ Even between the latter, these differences, though

cherished desires in the conduct of matters affecting the intercourse of the two nations. We have likewise deputed Chih-kang and Sun-chea-ku, officers of the second grade, to accompany him to the Great English nation. These, severally, have received special nomination to the grave responsibility of high ministers, as an evidence of the sincerity of our goodwill. We feel assured that these three Ministers are all loyal, assiduous, careful and conscientious men, and that they will certainly be able to arrange matters satisfactorily, and we trust every confidence may be extended towards them; so that friendly feeling may be eternally secured and peace be equally enjoyed by both sides. This must be, we believe, a source of deep delight.

B.

H. M. the Emperor of China to H. M. the Sovereign Ruler of (Great Britain) greeting.

Our title to universal sway has been reverently received from Heaven. (Regarding) the central and outer nations as one family, we have been considerably mindful

comparatively insignificant, are so obtrusive as to have suggested the theory of two different texts, drawn up by the Chinese Government for domestic and foreign use.¹ Such is not the case. But how, then, it may be asked, are those extraordinary discrepancies to be accounted for? Perchance by what is commonly, but erroneously, believed to be the vague character of the Chinese language, admitting of almost any construction? We make bold to say, that there are not two educated natives, who, if they could be induced to state their views honestly, would be found to materially differ as to the precise meaning to be attached to every word and sentence of

of the lesser states in amity with us; and for the purpose of consolidating and rendering permanent the existing good understanding with them, we have made special selection of good, capable and intelligent officers to visit together (Great Britain); namely the recently resident U. S. Minister at Peking, Mr. Burlingame, who, from his acquaintance with the circumstances of both Chinese and Foreigners, will, in the management of the international business between the two countries, prove, there is reason to expect, a competent exponent of our views as to what requires adjustment (*if* what is warped),—and Chekang and Sun Chiakuh of the 2nd grade in rank.

The appointment of officers all taken from the class of high functionaries, who are selected by reason of special fitness for posts of importance, attests the sincerity of our friendly sentiments. All three officers being, as we know, of tried fidelity, zeal and painstaking in care, they are sure to manage satisfactorily. We do hope therefore, that you will extend to them all frankness, so that by the interchange of unreserved confidence means may be found for placing friendly relations upon a lasting basis,—to the enjoyment by all in common of peace and tranquillity, a result which will cause you, we entertain no doubt, very great rejoicing.

Dated Tung-ohi 6th year, 12th month, 6th day.

C.

The Great Emperor of China salutes the Great Ruler of Great Britain, and wishes [her] peace.

Ourselves, having reverently received the decree of Heaven [to regard] all within and without as one family, and kindly considering [all] friendly states [in order] to enduringly strengthen amicable relations [with them], have [hereby] specially selected Anson Burlingame, formerly residing at Peking as Minister for the United States, an officer of integrity, ability and wisdom, and well acquainted with the relations of this and other nations, to manage all affairs pertaining to our two kingdoms, one who can be looked to to explain on our behalf whatever is straight or crooked.

And there have been also appointed two officers breveted to the second rank, Chi-kang and Sun-kia-kuh, to accompany him to Great Britain, who have both been specially designated as high ministers with important functions, in order [further] to prove [Our] sincere intentions and amicable feelings.

We know these three ministers to be loyal and diligent, sincere and sedulous, and are sure that they will properly manage [all] affairs so as to be mutually beneficial, and [therefore] hope that entire confidence may be reposed in [what they say], in order that thus the highest friendly accord may perpetually assure to us both a perfect peace, which [We] think will be a cause of deepest joy.

the document in question, although the natural difficulties in the way of a thorough and universal acquisition of the Chinese written language are extremely great, if not absolutely insuperable. No foreigner and probably no native has, individually, ever attained to it. A more or less restricted acquaintance with a special branch of Chinese linguistics is all that is usually attempted. In his endeavours to acquire even such a knowledge, the foreigner has to contend with obstacles of no ordinary kind. But, assuming him to have overcome these obstacles, to have "mastered" one of the colloquial idioms of the country, and to have gained a very

D.

The Huangti of China to the Ruler of England, greeting.

We with reverence avail ourselves of the Divine Commission; foreigners and Chinese are one family, and we are affectionately mindful of the perpetuation of peace with friendly nations. In the belief that he will explain our views, we have specially selected the former Minister of the U. S. of America, Anson Burlingame, a man of worth, capacity and intelligence, and conversant with the relations between foreigners and Chinese, to manage matters affecting the interests of the two countries.

We also depute brevet officers of the 2nd rank, Chih-kang and Sun-chia-ku, to accompany him to England, to, in concert with him, act as Ministers Extraordinary; thus giving proof of our sincere desire for amity.

We have full confidence in the virtues, ability and discretion of the three ministers, and are assured that they will perform their duties satisfactorily; and we earnestly hope that, without hesitation, full faith may be placed in them, so that amicable relations may become permanent, all thus reaping the advantages of tranquillity,—a result that we think, with certainty, must be deeply gratifying.

Tung-chih 6th year, 12 moon, 6th day.

E.

His Majesty the Emperor of China to H. M. the Queen of England greeting.

In virtue of the Commission we have reverently received by the will of Heaven, and as we regard all nations as equal (lit. one family) Therefore, having friendly nations in remembrance and being desirous of cultivating the closest and most lasting relations of peace with them, We have made special selection of one Anson Burlingame (late U. S. Minister at our Capital) a man of ability and wisdom, in whom from his intimate acquaintance with the disposition and circumstances of the two Countries, we have every confidence as the exponent of our ideas.

Moreover, we have also commissioned two officers of the 2nd grade, Chih-kang and Sung-chia-ku to accompany Mr. Burlingame to England.

The special selection by us of these officers to be our ministers in this important matter, is a proof of our sincere desire for mutual amity.

We have confidence in the fidelity, diligence, honesty and good character of these three ministers, and (believe them) certainly capable of adjusting satisfactorily the business committed to them.

Hence, we earnestly desire that unreserved credence should be given to them, that thereby our relations of amity may be permanently established, and both nations enjoy mutual peace (goodwill), a result which we are certain will be most gratifying.

¹ See "The Times" for Dec. 31, 1869, in its historical review of the year 1869.

comprehensive understanding of the written language bearing on his particular studies, duties, or pursuits, what, as a rule, will nevertheless be the state of the case? The Christian missionary may be able to translate, with native aid, both the Old and New Testament into readable Chinese; yet, without a previous and special study, he will be unable to read a chapter even on the cognate themes of Buddhistic or Taoist liturgy. The Inspector-General of Chinese Maritime Customs may succeed in framing a Chinese code of pilot-regulations, or a set of rules for the revival of a defunct College; but he will fail to decipher so much as the title-page of the official Peking Almanac. And the diplomatic Interpreter, though he be competent to construe the Chinese text of a treaty of peace or commerce, will be found incompetent to explain either the construction or the sense of a native treatise on any scientific subject. To a distinguished "sinologue" of this class it has happened that, upon a rare and far-famed work on Astronomy being submitted to him for examination, he has pronounced it to be "some old law-book, hardly worth purchasing."

39. Such being the actual state of things, it will be readily understood that, where the correct and accurate translation of so unique a document as the Hon. P'u Ngan Chên's Letter of Credence is in question, no general knowledge of Chinese, possessed by any foreigner, suffices for the task, and that the latter will demand a thorough study of every significant expression, occurring in the document. Nor is this all. The very study, alluded to, is involved in further difficulties. The lexicographical resources at the student's disposal, are for such a purpose worse than worthless, inasmuch as, based as they are on the still very imperfect and inaccurate

1 This habit is not confined to the Interpreters attached to the Foreign Legations in Peking, but extends even to the most distinguished sinologues. In fact, they virtually conduct their Chinese studies through the medium of their native teacher and his vernacular tongue, a certain fluency in which it is easy enough to acquire. Hence, comparatively speaking, little attention is paid, on account of its difficulty, to the written and printed language of China. A given subject, say a despatch from the Tsung-li Yamén or some passage in a published work, is translated to the foreigner by his native teacher in the colloquial idiom, and by the former rendered into his own tongue accordingly, or *vice versa*; and the natural consequence is that the foreigner, without a native teacher at

knowledge of an early period of our more extended intercourse with China, they tend to mislead rather than to guide; while the native dictionaries of the language, on which those of Dr. Morrison and others chiefly rest, are little better than an uncritical and unsystematic medley of short, and for the greater part unsatisfactory quotations, illustrative of the various meanings attaching to the written symbol. Hence, the study has to be conducted by an independent process, involving much time and trouble, and requiring the use of a not inconsiderable Chinese library. Time and trouble few persons in this country are prepared to devote to a similar object, and fewer still have at their command any very extensive collection of Chinese works. Besides which the foreign student, on the one hand, is prone to approach his subject under the influence of Western ideas, to view the constitutional principles of the Chinese Government—if he be not altogether ignorant of them—in the light of home-institutions, and to read a state-document, emanating from the Tsung-li Yamén in Peking, as though it had been composed in the Foreign Office of London or Paris; while, on the other hand, he has contracted the habit of implicitly trusting, for authoritative information, to his native teacher, who is certain to encourage his bias and to confirm him in his erroneous views, whenever they coincide with, or favor, Chinese interests.¹ Now, it has so chanced that, excepting the High Native Authorities and the Foreign *Corps Diplomatique* in Peking, we have been in the exclusive possession of the official documents, connected with the Burlingame Mission, and the first, after devoting some months of independent study to the Letter of Credence, to privately call attention, more than a year and a half ago, to its true bearing and character.² Nor are we aware

his elbow, finds himself, as a rule, like a fish out of water, and not unfrequently altogether helpless.

² As more than one Peking sinologue has been suspected of having inspired, suggested to us, or abetted us in, our heretical interpretation of this document, we deem it right to state explicitly, that such is the reverse of the truth. No one, at first, has so earnestly combated our views, as have done the gentlemen under suspicion. For a long time, in fact, we continued to stand alone in our construction of the text; alone we are responsible for it; and it can hardly admit of a doubt, but that for our inquiry into the subject, the "approved" version of the Letter of Credence would never have been questioned.

that the signal advantage for a correct rendering afforded by the possession of the Manchu text, has, thus far, been available to any other translator. Lastly it remains for us to add, that, as will be fully shown hereafter, and making every allowance for what may be deficiencies and unintentional errors of rendering, Mr. Brown's version, "approved" by Dr. Williams, Mr. Hart, and the Rev. Dr. Martin, offers features of so peculiar a character, as absolutely to admit of no rational explanation, save on the hypothesis of a designed mistranslation,—a mistranslation, designed with the view of removing the insurmountable impediments, or rather the impossibility, which the Chinese text of the Letters of Credence was found to present to the Hon. Mr. Burlingame's reception by the President of the United States and the Sovereigns of Europe,—in short, to the projected Mission being carried into effect. After these explanations, the discrepancies in question will, we venture to think, appear to the reader no longer inexplicable. We had the more reason to advert to the subject here, as it has come to our knowledge that the authors, approvers, and supporters of the quasi-official version of the Credentials have determined on upholding it at all hazards, in the confident expectation of being able to quash the truth, silently or otherwise, by the weight of their united authority.

40. *Title of the Emperor of China.*—Although the title of him, whom Western men call "the Emperor of China", the Great 皇帝 of our Letters of Credence, has recently been much discussed, there continues to prevail a good deal of misapprehension as to its grammatical construction and historical import. The primitive meaning and derivation of the character 皇 is somewhat uncertain. Mr. Mayers, whose opinion is always entitled to respect, writes thus¹: "In so far as one may judge from some of the ancient forms of the character, the idea it primarily conveyed was that of *the sun shining over the earth*; and hence the title naturally became applied to what-

¹ Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 165—6.

² 爾雅, 釋詁, ch. i, folio 2 b, in the Collection of the 十三經, Imperial Press, 1739, 115 vols. roy. 8vo., vols. 113—115.

³ 說文解字, Nanking edition. 8 vols. roy. 8vo., ch. i, fol. 9 b. In later times, we find the appellation of "the Three Sovereigns" frequently, but erroneously applied to the three prehistoric rulers 伏羲 surnamed 太昊; 神農 surnamed

ever is supreme and resplendent.....It is equivalent to 'Supreme'". In this view, however, we are unable to share. It appears to us difficult to reconcile with the terms 皇, 煌, 煌, 煌, and others. Nor do either 日 or 土 enter as elements into 皇. One of these elements is unquestionably 王; and 白 is = 伯, a different form of 佰: so that the ancient signification of "a ruling centurion" or "a ruler of centurions" i.e. "a duke", "a sovereign", attaching to 皇, is perfectly explained. In this sense 皇 occurs in the Chinese tradition of the 三皇 "the three sovereigns", namely, 天皇, 地皇, 人皇 "heavenly sovereigns, terrestrial sovereigns, and human sovereigns", corresponding, in Egyptian mythology, to the reign of gods, demi-gods and princes. The 爾雅 also, the oldest Chinese dictionary extant, has a passage, in which various terms of honor, including dignities, are enumerated in the succession 林 烝 天帝 皇 王 后 辟 公 侯, all defined as 君也.² From this it does not necessarily follow that 皇 was ever a *title* of the rulers of China. It is probable, however, that such was the case in prehistoric times; but that at a very early period of Chinese history, 皇 assumed the general sense of "sovereign" or "prince". Thus the 說文 (about A.D. 100) simply regards "the three early Sovereigns" as "three great lords": 始皇者三皇大君也.³ And hence the more recent and almost exclusive application of our term as an adjective, conveying the abstract meaning of "great", "wide", "lofty", "high", "elevated", "exalted", "majestic", "Imperial". Already in the work just named, next to the 爾雅 the most ancient Chinese dictionary, it is so defined by 大.⁴ In this sense it occurs in combination with 地, as 皇地 "the wide Earth"; with 天, as 皇天 "expanded" or "high Heaven", which none, we judge, but sinologues, who have half forgotten their own mother-tongue, could think of translating "the Imperial earth",

炎帝; and 有熊 surnamed 黃帝. So also by Dr. Morrison, in his Dictionary of the Chinese Language (Shanghai, 1865, 2 vols. 8vo., *sub voce* 皇). The 說文, as we have seen, knows as yet nothing of this. In a Korean work, recently published under the title 通鑑, being an abridgment of the *T'ung tien Kang mu*, we noticed, that the correct view of the 三皇 is taken.

⁴ 說文解字, *loco cit.*

and "Imperial heaven";¹ with 極, and many other nouns. It may happen that, even as an adjective, 皇 has to be rendered *adverbialiter*. Thus, the phrase 皇天后土, in the sense of "nature", in which Dr. Morrison translates it "Imperial heaven and Queen earth",² and which is, more literally, equivalent to "overshadowing Heaven [the male] and underlaying Earth [the female principle]", would read in English: "Heaven above and Earth beneath". But as a real adverb, 皇 is seldom met with in Chinese literature, save in connection with 於 as an exclamation, 於皇 "how lofty!", "how majestic!"; as a noun, and then exclusively in isolation, still more rarely. Besides the combination 三皇, we remember only one passage, in which we have seen it thus employed. The passage reads: 皇仁如天燾³ "the Sovereign's benevolence is like Heaven's eternity", i.e. everlasting or boundless. Manifestly, it may be argued, 皇 stands here for the "Emperor" of China. True, but it must be recollected, that the idea, which we connect with the word "Emperor", is unknown to the Chinese. Their "Emperor" is 帝, the One Ruler of the World; and as such he is 皇 "the Exalted One" "the Sovereign". As we have previously observed, however, the use of 皇 is now chiefly restricted to its adjective form; and when preceding a noun, it will absolutely bear no other construction.

41. Of 帝 the primitive signification is no less clear than of 皇, "a Captain-ruler" or "Duke"—a term which, when 帝 arose in its stead, gradually acquired its present abstract signification. This change, in all probability, took place during the reign of

¹ Thus Dr. Morrison, in his Dictionary of the Chinese Language (*sub voce* 皇 and 土). Mr. Wade, in his Hsin Ching Lu or Book of Experiments (Hongkong, 1859, fol., i, p. 1.) falls into the same error. That, in his vain attempt to acquire a sound knowledge of the Chinese language, this distinguished sinologue has, indeed, lost the use of his own, becomes patent on glancing over any of his recent publications, and does not speak very highly for his capacity as a linguist. It is somewhat amusing to be assured by the author of the Yü-yen Tzu-erh Chi (London, 1867, 4to., Preface p. xv), that, though perchance "a philologist pure and simple" (*ibid.* p. iii), "it is in no spirit of academical purism", he conducts his criticisms, and gives his advice to incipient Chinese students.

² A Dictionary of the Chinese Language by the Rev. R. Morrison, D.D., *sub voce* 土.—The meaning "beneath" for 后 is subject to no doubt. Strange enough, Dr. Morrison renders it, in this sense, "behind"; and adduces as an illustration:

神農, he being the first whom we find surnamed **炎帝** "the Glorious Judge", namely, Judge-Royal. For, according to the **說文**, the primitive meaning of **帝** is "to judge", "a judge"; and Mr. Mayers very truly remarks: "In its ancient form, one seems to trace in this character an attempt to represent a human form, clad in a flowing robe and surmounted by a crown".⁴ We need hardly observe that, as in times of peace, the military leader became the judge of his people, so, in times of war, he resumed his position of commander; and thus united in his person not only the dignity of Ruler and Lawgiver, but, in China, also that of Augurer or Interpreter of the will of Heaven.⁵ There exists, among Chinese historians themselves, much confusion respecting the age of **五帝** "the Five Judges-Royal", and it has even been discussed, whether **上帝**, God, was or was not one of them:⁶ so transcendent a character has tradition lent to that age. No doubt the five **帝** are **神農** surnamed **炎帝**; **有熊** surnamed **黃帝**; **帝嚳**; **帝堯**; and **帝舜**; and that they were not only sovereigns, pre-eminent for their virtues and administrative qualities, but that their reign also marked a memorable period of peace and prosperity, disastrous inundations under **Yáo** notwithstanding,⁷ in Chinese history. When hereupon the Government was transferred to Yu the Great, he would seem to have assumed the then higher title of **王**, corresponding to our "King", or "Monarch", by which the rulers of, and in, China were designated down to the third century before our era; so that, in historical succession, the titles of those rulers, **皇帝王**, may be transcribed as Duke, Judge-Royal,

"**神后** Shin how, *spirit behind*,—are the words cut on two stones placed in tumuli behind Chinese graves" (*sub voce*).

² **旬萬壽盛典**, Imperial Press, Chien-Lung 57 (1792), 120 books roy. 8vo., ch. 91, fol. 9 a.

⁴ Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 165.

⁵ The earliest form of public augury, practised in China, seems to have been that by the tortoise. Some interesting historical notices on the subject, are contained in **小法詳考**, Yung-Chêng, 6 (1728), 4 vols. 8vo.

⁶ **五禮通考**, Peking, Chien-Lung 18 (1753), 80 vols. 8vo., ch. 28, fol. 18 a seq.

⁷ These inundations, according to Chinese chronology, occurred in a.c. 2298,—the very same year, in which Josephus, in accordance also with Babylonian chronology, places the Deluge (v. Gumpach, *Abriss der Babylonisch-Assyrischen Geschichte*, Mannheim, 1852, 8vo.)

King, respectively.¹ Meantime the title of **皇**, as such, fell into oblivion; while Tradition, contrasting a hard Present with a happier Past, continued to embellish the Golden Age of the **五帝**; to attribute to these Judges-Royal of China an imagined power and influence; and to impart to their title of **帝** a significance, which in reality it never possessed. Thus, already Yao and Shun are represented as having held the dominion of the world; and in the standard dictionary of the Chinese language, published by authority of the Emperor K'ang-Hsi, we find quotations from the **說文** down to the **史記正義** and later works, which, in the same sense, assign to **帝** all the power and virtue of Heaven and Earth, i. e. of the Deity itself, and, anachronistically, endow it with the attributes, which had accumulated upon both the titles of **帝** and **皇帝** in subsequent ages.

42. It was not till B. C. 221, that the latter title—**皇帝**—was assumed by Chin Wang, **秦王**,—hence called **始皇帝**, or more familiarly **秦始皇**—, after conquering, as King of Chin, the Kings of the various others States, which then divided China, and reuniting the feudal empire of the Chow under his sole absolute rule. His was a giant mind, which had conceived the sublime idea of *realising* the actual and imagined glories, Tradition ascribed or had lent to the era of the **五帝**. With this view, he revived the title of **帝**, in his time held in the highest veneration, and still affixed to it the predicate **皇** “exalted,”—as a former designation of the sovereign power then forgotten,—to indicate that his dignity, as the autocrat of China at that epoch, exceeded the dignity even of the greatest monarchs of Chinese antiquity; with this view, and in order to crush the factious opposition of the *literati* of his day, he commanded the destruction of the classical and political literature of China; with this view, and for the purpose of securing the tranquillity of his vast dominions against attacks from without, he surrounded their open frontier with “the great Wall of Ten thousand

¹ Dr. Morrison (Dictionary of the Chinese Language, *sub voce* 帝) states: “**皇帝王** Hwang, te, wang, according to some, express three degrees of sovereign rule, of which Hwang is the highest; Te, the second; and Wang, the lowest.” This is inverting Chinese etymology and history, as well as historical analogy. Our view

Li." So far from being guided in all this by unworthy motives of ostentation, love of fame, or dynastic pride, as is the common opinion, he had fully grasped the deadening effects of that blind and unreasoning veneration for antiquity, which had received so much additional strength from the (imperfectly understood) teaching of K'ung-f'u-ts'ê,—Confucius—and has actually converted China into a cesspool of human history; and it was in the cause of progress and Chinese civilisation, that he attempted to combat, and to break, the stagnating power of a spirit, which proved stronger than even the quickening force of his own, and thus caused him to fail in his mighty attempt. All that now remains of him is the Great Wall, and the title of 皇帝, without his lofty aspirations, but with its still loftier pretensions. An error, however, it would be to suppose, that these pretensions are expressed by the title itself. The latter imparts no more his dignity to "the one solitary man," than the title of *Papa* does to "the Vicar of Christ on Earth." It is the political position, historically held or claimed by the rulers of China, which imparts its dignity and significance to their title; and the great Chinese *Wang*, 王, of former days were in power and pretension scarcely inferior to the greatest '*Huang-ti*, 皇帝, of more modern times, albeit the present dynasty has conferred the ancient title of 王 on the first princes of its new blood Imperial.

43. Dr. Morrison has introduced much confusion in connection with this subject. "San Hwang, 三皇, the three emperors", he writes, "titles of Fuh-he and his two successors.....Ts'in...assumed 皇 Hwang, implying that he had reduced all to his sway, and the title has continued ever since." Hence, he goes on to define: "皇上 Hwang-shang or 皇帝 Hwang-te, a 'supreme potentate; an Emperor who rules over kings and princes; sometimes used as denoting that the sovereign of China rules by right over all the Kings and Emperors on earth.'" ² But, 上 and 帝 being by no means synonymous terms, all this, as we have seen,

is, as regards 帝 and 王, confirmed by a passage in the 呂氏春秋 which reads: 天下之所適王者天下之所往.

² A Dictionary of the Chinese Language by the Rev. R. Morrison, D.D., Shanghai, 1865, 2 vols. 8vo., *sub voce*, 皇帝 and 上.

rests on error; and, as Dr. Morrison himself defines 帝 as "the appellation of one, who judges the world, or as one who rules the nations," and 上 as "high, above, eminent, exalted," 皇上 as "a sovereign, prince or emperor;" it is somewhat difficult to conceive how, notwithstanding his mistaken notion as to the import of 皇, he could have arrived at such a conclusion. Dr. Legge, on the contrary, takes 帝 to be but another term for Heaven, and properly to denote "God;"¹ upon which Mr. Mayers remarks, that a reference to the illustrations, quoted in K'ang-hsi's dictionary will confirm at least the latter portion of the assertion; and that "we may therefore translate *Ti* by the term 'Divine Ruler.'"² This view, however, is equally devoid of foundation. The meaning of 帝 includes neither the idea of Heaven nor of God; and the claim to divine authority, advanced by the Emperors of China, as will be presently seen, is altogether unconnected with their title. This title *per se* expresses simply the combined dignity of an Exalted Judge-King and Highpriest. For, that 皇帝 is not to be viewed as a compound of the titles of monarchs of prehistoric times, as Mr. Wade imagines,³ and that 皇 constitutes in it a mere predicate to 帝, might have been concluded from the genius of the Chinese language alone, which admits of no such compounds; from the analogy of 皇上, a more familiar form of the same title; and from other combinations. It is confirmed, moreover, in a remarkable letter, addressed by the last Emperor of the S'ung to Kublai Khan,

¹ The Chinese Classics, with a translation, critical and exegetical notes, prolegomena and copious indices, vol. iii. Hongkong, 1865, 8vo.

² Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 166.

³ Wen-Chien Tzu-erh Chi, a Series of Papers selected as specimen of Documentary Chinese &c. with Key, by Thomas Francis Wade, C.B., Secretary to H. B. M. Legation at Peking, London 1867, 4to., Notes to the Key, p. 3.

⁴ If the letter were not too long, we should reproduce it here from the History of the Yuan Dynasty, 元史, as a specimen of utter ta-huential prostration, despondency, and humbled pride.

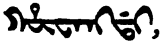
⁵ 書經召誥, Dr. Legge's edition of the Chinese Classics, vol. iii, p. 427—8. The learned editor translates:—"Oh, although the King is young, yet is he the eldest son of Heaven. Let him but effect a great harmony with the people, and that will be the blessing of the present time. Let not the King presume to be remiss in this, but continually regard and stand in awe of the perilousness [*ibid.* p. 701 = changeableness] of the people. Let the King come here as the vicegerent of God, and undertake himself the duties of Government in the centre of the land. Tan said, Now that this great

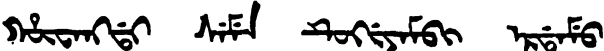
and in which he sums up the loss of all his power and glory in the loss of 帝號 "the national epithet of 帝".⁴ But that, from a very early period of Chinese history, the rulers of China were the sole Mediators between God and their people, and that the priestly character was inseparably associated with their political position, and hence must be considered as an integral element of their monarchical title, is already clearly stated in the Shu-King. To show this, it will suffice to quote one single passage. Of the youthful sovereign 成 it is said: 嗚呼, 有王雖小元子哉, 其不能誠于民, 今休, 王不敢後, 用顧畏于民。王來紹上帝, 自服于土中, 旦曰, 其作大邑, 其自時配皇天, 處祀于上下, 其自時中乂, 王厥有成命, 治民今休. "Aye, though the King be young, is he not Heaven's first-born, and all-powerful to give concord to the people? The time is propitious. Let the King not hesitate, but turn his eye to the people's perilous position. Let the King come to propitiate God, and establish himself in the Earth's Central Land. Tan said: Now that this great city has been built, he will henceforth be able to act as the Representative of Exalted Heaven, and to perform the higher and lower sacrifices. From henceforth he will be able to duly govern the Central Land; and, the King having complete sovereignty, this will be the time to restore the people to order".⁵ Need we here adduce further proof in support of the historical fact, that the rulers of China from a remote antiquity


city has been built, from henceforth he may be the mate of great heaven; from henceforth he may reverently sacrifice to the upper and lower *spirits*; from henceforth he may in this central spot administer successful government. Thus shall the King enjoy the favouring regard of *Heaven* all complete, and the government of the people will now be prosperous."

Dr. Legge has manifestly failed in seizing the true spirit and meaning of this passage: there is, however, no occasion for us to enter into a discussion on the subject. We need only remark, that the signification of the character 配, rendered by him "mate", certainly is "an equal of"; but often, as here, in the moral sense of "a worthy representative of". Thus in the Shu-king (君牙, Dr. Legge's edition, p. 582), where the Emperor exhorts his Minister Tjün-ya to assist in enabling him 對揚文武之光命, 追配于前人, "to rival and prolong the glorious reign of Wên and Wu; thus rendering yourself the worthy representative of (predecessors i.e.) former distinguished Ministers." Dr. Legge translates: "to respond to and display the bright decree conferred on Wên and Woo;—so shall you be the mate of your by-gone fathers."

have been, as to this day they continue to be, the sole Highpriests as well as the sole Monarchs of their people? This twofold dignity is essentially expressed by 帝; and we shall, therefore, in the spirit of Chinese history and in accordance with the national sentiment of the Chinese people, faithfully render the title of 大皇帝, by which the Emperor of China is designated in the Hon. Mr. Burlingame's Credentials: "The Great Exalted Monarch and Highpriest."

44. In Manchu that designation is , 'Huang-te, a literal transcription of the Chinese 皇帝, and introduced as a new word into the former language. The support which, at first sight, it would seem to lend to 皇帝 as a compound of prehistoric titles (43), is but apparent; the reason of the Manchu combination being that there exists in that language no term, corresponding to the Chinese 帝, and the sense attached to it by the Chinese Government. It is, in the authoritative Chinese-Manchu Dictionary¹

thus defined: 

, "huang-ti is called he, who in (moral, intellectual, and physical) virtue is the equal of Heaven and Earth", i. e., the equal of God Himself. The divine character, however, attributed to the Emperor of China, and to which we shall revert hereafter, is not expressed in his title, the correct meaning of which alone concerns us in this place. Neither "His Majesty the Emperor", as quasi-officially rendered by Mr. Brown, nor "the Emperor" as translated by others, conveys either in spirit or literally its true import, which, as has been shown, is: "The Great Exalted Monarch and Highpriest."

45. *The Ching Empire*.—Some misapprehension regarding the meaning of 國, as compared with that of 邦, has arisen out of a quotation in K'ang-Hsi's Dictionary, referred to by Mr. Alabaster, in a recent notice of his "On the word pang 邦".² In the Dictionary in question, he remarks, "it is laid down in a commentary on a passage in which both Pang and Kuo are used, that the

¹ 增訂清文鑒, Imperial Press, 1771, 46 vols., roy. 8vo., *sub voce*.

² Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 168.

greater [? divisions of the Empire] are called Pang, the lesser Kuo, 大曰邦小曰國". Upon this Mr. Mayers observes, in an essay on "The terms Pang and Kwo":³ "I have within the last few weeks encountered, quite accidentally, a reference to the word 邦 which explains the substitution of the character Kwo 國 for this word, as a designation for a "State" or "Kingdom", and seems to clear up the confusion between these terms, which was commented upon by Mr. Alabaster. From the various references collected by him, it is conclusively shown that *pang* and *kwo* are at present used interchangeably; although in ancient usage, as K'ang-hsi's Dictionary shows, both by direct statement (such as the phrase 大曰邦小曰國) and by numerous examples, the term 國 was applied well-nigh exclusively to the lesser principalities or fiefs of which the Empire was composed under the Chow dynasty. This signification of *kwo* is perfectly obvious in post-Confucian literature.....At the same time, a generic term existed, applicable to any "state" or body politic, whether the Empire as a whole, or its feudatory portions, and this term was *pang*." Mr. Mayers then cites, as a new observation, the well-known historical fact that 邦, being the family name of the founder of the Han dynasty, its use was discontinued during his reign, and 國 employed in its stead. Whereupon he goes on to observe: "The temporary eclipse of the character *Pang* was evidently sufficient to allow an increased degree of dignity to gather around the character *Kwo*, which became used as the designation for 'State' or 'Empire' just at the period when all minor principalities were fully brought beneath the direct government of one Imperial house. When *Pang* re-appeared, it simply took its place beside *Kwo* as an alternative designation for the body politic, and this meaning it has continued to bear until the present day." We cannot but regard the whole of the views, here expressed by Mr. Mayers,—it appears to us somewhat hastily,—as altogether erroneous and untenable. The passage in K'ang-hsi's Dictionary,—the portion taken from the "Rites of the Chow" being not even literally quoted,—*sub voce* 邦 reads thus: 4

³ Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., pp. 189—190.

⁴ 御製康熙字典, Imperial Press, K'ang-Hsi, 55 (1716) 38 vols. roy. 8vo.

說文 **國**也 **周禮** **天官** **大宰**掌邦之六典以佐王治邦國 **註**大曰邦小曰國又 **釋名**邦封也封有功于于是也。 "According to the Shúo-wên, **國** and **邦** are synonymous. In the first section of the Rites of the Chow it is said: The Great Chief gave the six laws respecting the feudalities in order to assist the Sovereign in ruling the feudal State. Upon this the Standard Commentary remarks: *Pang* **邦** is the higher, *Kúo* **國** the more common expression. *Ibidem*, Shih-Ming states: The meaning of *Pang* is a feudality, or a territory, conferred for distinguished services." This interpretation shows a perfect consistency between the passages cited; and surely no less could reasonably be expected from the learned compilers of the authoritative Imperial Dictionary. Mr. Alabaster has to supplement, after **大** and **小**, the idea of "a division of the Empire", for which there is no warranty: the text, according to the construction, put upon it by himself and Mr. Mayers, admitting only **邦** or **邦國** to be supplied. Neither convey a rational meaning. In fact, the combination **邦國**, "a political commonwealth or organised State, consisting of a greater or lesser number of single principalities or feudal territories",¹ in which sense the term often occurs for "the Empire",² **萬民**, **天下**, leaves no doubt as to the fundamental meaning of either **邦** as "a feudal territory, a principality", or **國** as "a State, a political commonwealth". The distinctive use of these symbols was partly abandoned when, in the third century B. C., a new division of the re-constructed Monarchy into

1 Comp. **周禮注疏**, in the edition of the Thirteen Classics, Imperial Press, Chien-Lung 4 (1739), 115 vols. roy. 8vo., ch. ii, fol. 2a; where **邦國** is defined as **侯之國**. It need not be remarked that **侯** is here, as frequently, used in the general sense of "the feudal lords (or princes)". In another passage ch. xi, fol. 14a, we read: **釋曰**。言邦國者。謂立畿外諸侯邦國。 In both places, the (as it were private) Imperial domain is excluded from the **邦國**, properly speaking.

² *Ibid.* ch. ii, fol. 1 a, b, *et saepe*. Thus we read ch. ii, fol. 15 b: **九貢致邦國之用**, "the nine classes of *tribute* (paid by the **侯**) are destined for the use of the State (or the Empire)"; and ch. x, fol. 1 a, where **天下土地之圖** occurs in one sentence, for **邦之土地之圖** in another. The Empire, of course, includes the Imperial domain.

³ The North-China Herald for Nov. 30, 1869.

⁴ This is an error on Mr. Arendt's part; see 40 p. 73, above.

thirty-six 郡 took place, and soon afterwards the term 國; in all public documents and writings of the period had to be temporarily substituted for that of 邦; but, though 國 was thus made to occupy a wider sphere, neither did its real meaning undergo the slightest modification, nor did the signification of 邦 suffer any change whatever: the only result being, that 國 became an *abstract* noun, always conveying the idea of an organised political community, but equally applicable to the smallest principality, as such a community; to an aggregation of principalities,—which, in relation to the Empire, were in their turn reduced to the position of a 邦;—and to the Empire Universal itself.

46. In a superficial, and somewhat presumptuous article on "The Burlingame Credentials",³ Mr. Arendt imagines to have "proved, in a satisfactory way, that the character *pang*, as compared with *kuo*, does *not* convey to the Chinese mind the idea of a minor or tributary State as compared with an independent Empire"; and this chiefly, if not exclusively, on the ground that "Kang-hsi (after stating that, according to the Shuo-wên [the oldest extant dictionary of the Chinese⁴] *Pang* is identical in meaning with 國 *Kuo* [a state, nation, empire⁵] then proceeds to quote a passage from the Chou-li, closing with the words 國邦 *Pang-Kuo*, (註) 大曰邦小曰國, 'In the Standard Explanation (註) of the Chou-li it is said, that a large [State⁶] is called *Pang*, whilst a small one is called *Kwo*'. The rest of Kang-hsi's article is of no interest for my purpose.⁷ As it is a known fact that Kanghsi forms the groundwork of Morrison's Dictionary"⁸)—Mr. Arendt speaks of the second part, new

⁵ 國 signifies "a State": the idea, which we connect with independent "nations" and "empires", is not known to the Chinese.

⁶ Mr. Arendt supplements "state", according to him 邦國. Hence he makes the Standard-Commentary to say: "A large *pang-kuo* is called *pang*, a small *pang-kuo* is called *kuo*"; which is just as rational as it would be to say: "a large States-Confederacy is called States, a small States-Confederacy is called Confederacy".

⁷ The writer's "purpose" would seem to have been to ingratiate himself with the Chinese Government, or rather with the Inspector-General of Chinese Maritime Customs. Or, how else is it to be explained, that the rest of K'ang-hsi's article—see the quotation above (45) p. 82—could "be of no interest for his purpose"?

⁸ Had Mr. Arendt taken the trouble to read the Preface to the second part of Morrison's Dictionary, which commences by stating that it is founded on the Chinese Work 五車韻府, or simply to look at the title-page of the new edition, used and cited by him, he would have avoided stating to be a known fact what is a personally erroneous impression on his part.

edition, 1865,—“it must be supposed, as long as the contrary is not proved, that Morrison simply and merely committed a mistake in stating that *Pang* meant a smaller State, and *Kuo* a larger one”. We have adduced this specimen of modern interpretation and criticism, as an illustration to show on what slender grounds, at times, some of our “sinologues” build up their boldest and most confident assertions. On the same interpretation of the same isolated passage, believed to state that “a large [State] is called *Pang*, whilst a small one is called *Kuo*”, though at variance with the whole evidence of Chinese history and every rule of Chinese grammar, Dr. Martin also, one of the “approvers” of Mr. Brown’s translation of our Letters of Credence, has expressed his willingness to stake his reputation as a Chinese scholar. We have seen that interpretation to rest on a palpable misunderstanding of the text,¹ and are now free to proceed with our explanations. It is certain, then, that the meaning of the term 國 is that of *an organised political Commonwealth or State*, in the abstract; that is to say, the term is equally applicable, whether the State be large or small, whether dependent or independent. Thus Prince Kung, in one of his essays, discusses the question: 禮可以爲國, “Do not the Rites [as containing the principles of social order] virtually constitute the State?”² So we read that, in the days of Mencius, “a large State held a hundred *li* square; a middle-sized one seventy *li*; and a small one fifty *li*”;³ China Proper, as comprising the Eighteen Provinces, *one* of the territories subject to the 大清皇帝, is called 華國 “the Splendid State”, or 中國 “the Central State”; what was formerly understood by an Outer State, i.e. a State not included within the ancient 九州, “nine *chow*” or great divisions of the Chinese Empire, having desired annexation, was designated 屬國 “an entailed State”;⁴ the tributary countries Corea, Cochín-China, the Lu-chu Islands, are called 朝鮮國.


¹ The construction, put by us upon the passage in question, is fully borne out by the Commentators on the 周禮, ch. ii, fol. 6, b; comp. fol. 2, b.

² 樂道堂文鈔, Peking, 1867, 5 vols. 8vo., ch. i, fol. 5, b.

³ 大國地方百里次國地方七十里小國地方五十里; quoted in K’ang-Hsi’s Dictionary *sub voce* 國.

⁴ See K’ang-Hsi’s Dictionary, *loco cit.*

⁵ There exists in Chinese literature a historical work, entitled 三國志 in 65

安南國, 琉球國, respectively; and the three Sovereign States of the Han, Wei and Wu Dynasties, who, in the third century of our era, reigned in China independently of each other, are known in history as the 三國, "the Three Kingdoms or Empires".⁵ In Manchu,  conveys the same general meaning as 國 does in Chinese.

47. It need not be remarked that, when in our Letter of Credence we find the Sovereign, in whose name it is written, described as the sole Monarch of 大清國, the term 國 is here to be taken in our sense of "Empire",⁶ and that the extent of this Empire is determined by the meaning, attached to it as *the Ching Empire*. But *Ching*, 清 is a dynastic, not a geographical description. If the Queen of England were to assume the title of "The Great Exalted Monarch of the Great Guelphic Empire", the case would represent a certain degree of analogy; and were she to claim, as an actual political right, the absolute sovereignty of the whole Earth, the term "Guelphic Empire" would necessarily have to be understood as comprehending all States of the Globe: and every Sovereign, knowing the claim to Universal Supremacy to inhere in the title in question, in acknowledging the latter, would thereby acknowledge himself to be a vassal,—if not *de facto* at least in a moral, diplomatic and legal sense,—of *the one Guelphic Monarch*. Now, as has already been indicated (24—27, 30) the 大皇帝 of the Hon. Mr. Burlingame's Credentials does claim, as an actual political right, the autocracy of the World, and not only by himself and the Chinese Government, but by the Chinese people at large the 大清國 is positively understood to embrace the entire habitable Earth. It is, therefore, an almost unaccountable error, on the part of the majority of scholars and sinologues, to confound the terms 大清國, 中外, and 天下,—all of which convey the meaning

books by 陳壽, and forming part of the Great Collection of Dynastic Histories; and there exists a very popular historical novel, in 120 chapters, by 羅貫中, under the title 三國志演義. Both compositions are frequently mistaken the one for the other; and it has happened before a Learned Society, that the novel has been criticised as the historical work by an eminent sinologue.

⁶ The version A, in rendering 國 "dynasty", commits a positive error,—an error, moreover, involving in this case an absurdity.

alluded to,—with that of 中國,—which exclusively signifies “the Central State” or China,—and hence to connect the latter restricted geographical idea with the former, geographically unrestricted expressions. Even the author of “the Middle Kingdom”, disregarding his better knowledge (24), falls into the same strange mistake. “The Chinese,” he states,¹ “have many names to designate themselves and the land they inhabit. One of the most ancient is *Tien Hia* (天下) meaning Beneath the Sky, and denoting the World; another almost as ancient is *Sz' Hai* (四海) *i. e.* [all within] the Four Seas; a third now more common than either, is *Chung Kwoh* (中國) or Middle Kingdom, given to it from an idea that it is situated in the centre of the earth”. The term 中國 never conveys to the mind of the Chinese any other sense save that of “the Central State”,—one of those 萬國 “ten thousand States”, into which, according to them, the habitable World is divided, and which together constitute, under the present dynasty, the 大清國, as, under the late dynasty, they constituted the 大明國 “the Great Ming Empire”:—it being an ancient custom of the Sovereigns of China, who have founded a new dynasty, to choose also for it a new name, intended to characterise the future reign of the dynasty.²

48. Leaving to the sequel the fuller proofs of the claim to universal dominion, maintained by the Rulers of China, we shall here adduce only those regarding the geographical extent of the 清國 of our text. For this purpose we refer the reader to the 大清一統輿圖 “Atlas of the Whole of the One Great Ching Empire”, bearing also the more complete title of 皇朝中外壹統輿圖 “Atlas of the Whole of the Central and Outer

¹ Dr. Williams, *The Middle Kingdom*, 4th ed. New York, 1861, 8vo., vol. i, p. 308.

² The literal meaning of 天清國 is “the Great Pure Empire”; that of 大明國 “the Great Lustrous Empire”.

³ The Atlas is usually stitched up in 32 parts small fol. or roy. 8vo., and, though a very poor specimen of cartography, contains the most recent, as well as the most ample, geographical information respecting China generally, to be derived from native sources. The new bed and mouth of the Yellow River are duly laid down in it. It was published by the Provincial Government of ‘Hu-pe.

⁴ About three Chinese *li* are equal to one English mile.

⁵ In the *Shu-King* (Dr. Legge's edition p. 617), there occurs this passage:

Possessions of the Exalted Dynasty," published by Provincial authority in the second year of the present reign,³ A.D. 1863. In the Introduction to this work, the list of contents is followed by a special title-page, inscribed 總圖 "General Map" or "Map of the Whole", namely, of the Ching Dominions. It comprehends three outline-maps, all divided, in precisely the same manner, into provinces or dependencies: the first map representing China, inclusive of a portion of Russia, of Japan, Corea etc., *i. e.* the 中 or Central State alone; the second and third maps representing *the two hemispheres of the Earth*, *i. e.* the 中外 or, according to the title of the Atlas, "the Whole of the Central and Outer Possessions of the Ching Dynasty". It is true, that the *special* maps do not extend to any part of America, Africa or Australia, but they were *not designed* to include more than the actual 國家, or what may be termed "the Family—(or Household—) Estate" of the Chinese Monarch, *i. e.* the Central Lands. The reason, assigned in the Introduction, fol. i, *a.*, for this restriction is, that 我國家幅員之廣數倍前代而欲海內外數千萬里於一圖約之則尤難之難, "Our Family-Estate has in all directions extended itself to many times of what it did in former generations; and if we wished to collect in one atlas the thousands of ten thousand *li*⁴ *within and beyond the seas*, it would be next to impossible". In order that the subject may be more clearly and fully understood, we should observe that, what is at present termed 國家 "the Family-Estate", or 中國 "the Central State", and occasionally 照得國 "the Directing State", namely China Proper, corresponds to what, under the feudal system, constituted and was more usually named 王畿 "the Imperial Domain".⁵

侵戎我國家純, which the learned Editor translates: "and the invading barbarous tribes of the west have greatly injured our empire"; remarking upon it: "the 戎 here naturally leads our thoughts to the western barbarians, and especially to the 'Dog Jung', who had killed King Yew, and kept possession of Haou. Gan-Kwo, however, takes the term in the sense of 兵, 'weapons'. But whether we take it in that meaning, or as a name, we have to understand a verb like 傷 'to injure', carrying on the action of 侵戎 to 國家. 純 = 大 'great' or 'greatly'. We are unable to adopt this view. It is 平王 (B. C. 770), who speaks, and in allusion to the historical fact of the then recent invasion of the Imperial Domain by 戎. The verb is 侵. Consequently we translate: ".....; Jung having invaded the borders of our very Household Estate".

In the days of the Chow, it formed a square, the sides of which extended to a thousand *li*;¹ and was surrounded by the "Tributary States" or "Principalities", 邦國, also named the "Domains of the Nobles", 侯國,² the divisions of which seem to have somewhat differed at different periods. They correspond to the present Outer States", 外國. Hence it appears, that the Sovereigns of China, from early times holding the sway of a vast territory, comprehending an area of something like two million square miles or more,³ and regarding themselves as the sole Monarchs of the Earth, have ever maintained the political principle of Universal Supremacy, and with their extending geographical knowledge, have extended the application of that principle accordingly;⁴ so that, while the boundaries of the habitable Earth, 天下, have expanded, in the ideas of the Chinese Government, from the Empire, held by the Great Yu and the Chow dynasty, to both hemispheres, the actual 國家, or what we are in the habit of terming "China", has now taken the place of 王畿, the ancient "Imperial Domain", as the remainder of the World, under the name of 外國 "the Outer States", has taken that of 侯國 or 邦國, the ancient "Feudal Territories" or "Principalities". This will explain the passage, which we have quoted from the Introduction to the "Atlas of the Whole of the Central and Outer Possessions of the Great Ching Dynasty." Accordingly also it is laid down in the authoritative work on the Rites of the present Dynasty, as the first principle of

¹ 周禮 ch. xxxiii, fol. 17, b; 乃辨九服之邦國方千里曰王畿.

² *Ibid.*—Commentary on ch. xxvi, fol. 8, a, where, instead of 國家 the text has only 國: 國。謂王之國。邦國。諸侯國也. Compare ch. xi, fol. 14, a.

³ Compare Dr. Legge's Chinese Classics, vol. iii. Hongkong, 1865, 8vo., pp. 148—149.

⁴ Dr. Williams is altogether under an erroneous impression, when he observes: "All the names (by which the Chinese designate the land they inhabit, such as *Tien Hea* (天下), "the World", etc. indicates (only) the vanity and the ignorance of the people respecting their geographical position and their rank among the nations. (The Middle Kingdom, vol. i, p. 3.)

⁵ 欽定大清通禮, By an Imperial Commission, latest ed. Tao-Kuang 4 (1824). Palace Press, 12 vols. roy. 8vo., ch. xlv, fol. 1, a; 四夷來賓. Although the application of the character 夷 to the government or subjects of H. B. Majesty in any Chinese official document, was prohibited by the Treaty of 1858, it continues to be frequently so used. See an instance in the North-China Herald for March 22, 1870.

⁶ *Ibid.* 朝貢之禮. 凡四夷屬國. The term 夷 is a general and

"the Rites of the Dynasty respecting Tribute" that, "the barbarian States of the four quarters of the globe having submitted themselves to the influence of (Chinese) civilisation",⁵ i. e. having become tributary, "all barbarian States of the four quarters of the globe are entailed States".⁶ Hence, the Imperial Commissioner Lin, in his notorious letter to the Queen of England, speaks of "her honorable State"—England—as one of the "entailed—i. e. tributary—States";⁷ and reminds Her Majesty of "the power of the Heavenly Dynasty—of the Ta-Ching, to whom the whole Earth is subject—⁸ to order both China and the barbarian World";⁹ and of "the Heavenly Dynasty's means to keep in subjection its ten-thousand States";¹⁰ therefore advising the Queen, "by yielding respectful and true obedience, to evince her clear sense of Heaven's Ordinances".¹¹ In a remarkable Essay on Russia, full of information,—although the author is inclined to think that the Russian people must have derived their origin from *cannibals*,—recently published by the ex-Cabinet-Minister Chi-Kün-Tsáu, who is still living in Peking, we read: 大清受命有九有薄海內外罔不臣服, "The Ta-Ching having succeeded to the Empire, they are in possession of all the habitable Earth, and there is no corner within or beyond the seas, which is not subject to them".¹² And, in perfect accordance with all this, Prince Kung, enforcing the ancient maxim 君君臣臣, "there are but an Emperor and subjects"¹³ teaches: 君之於民¹⁴也猶父母

offensive expression for 外國 and 外國人. According to the four quarters of the globe, they are called 狄羌蠻夷, the Northern, Western, Southern and Eastern barbarians, respectively.

⁷ 貴國所屬. The Letter has been reprinted by Professor Summers in his "Handbook of the Chinese Language", Oxford, 1863, 8vo., pp. 23—24.

⁸ 大清一統之天下; comp. the title of the Atlas of the Ching Dominions, p. 86 above.

⁹ 天朝力振華夷.

¹⁰ 天朝之所以臣服萬國者.

¹¹ 貴國恭順之忱如此則明于天理.

¹² 北徵彙編, Peking, 1865, 6 vols. 12mo., ch. iv, fol. 25, a.

¹³ 樂道堂文鈔, Peking, 1867, 5 vols. 8vo., ch. i, fol. 5, b. The more literal translation is: "The (one) Emperor is the (one) Emperor; the subject (however high his rank) is but a subject".

¹⁴ 民 is here understood to stand for 天下之民; comp. ch. iii, fol. 16, b.

之於子也天子作民父母故爲民上者撫有四海統一寰, "the Sovereign Universal rules over Mankind as parents rule over their children."¹ The Son of Heaven is the people's father and mother: so that he, being the lord of the human race, holds in subjection the entire Earth (as though it were) one single walled-in domain."² And again the Prince impresses on his readers, that: 帝王聯萬姓爲一體合四海爲一家, "the one Monarch and Highpriest rules and orders the whole human race, as though it were one body; the entire globe, as though it constituted but one household":³ in short, using the very expressions, which Western diplomacy has objected to as offensive, His Imperial Highness, despite of Western diplomatists, tells us, that 君撫馭天下, "the One Emperor does keep in subjection, and rules, the Earth".⁴ Taking, then, the preceding proofs and quotations together, they suffice, in our opinion, to remove every doubt as to the meaning of 大清國 =

𐎢𐎠𐎫𐎡𐎴 𐎠𐎢𐎡𐎴 𐎢𐎡𐎴 of the text of our Letters of Credence, = "the Great Ching Empire of the World". To render those terms "China", as Mr. Brown and other translators do, is about as correct as it would be to render "the British Empire", in French, "le Pays de Galles".

49. *Title of the Queen of England.*—The title 君主, first given, we believe, to the Queen of England in the Treaty of Nanking, is understood to be the creation of the late Dr. Morrison, and it is difficult to conceive on what grounds he can have framed so un-Chinese a compound. It is met with neither in the classics, nor in the authoritative native dictionaries; that is to say, such a term has no existence in the Chinese language: and its acceptance by Mr.

¹ In China the power of the parents over their children, more especially on the part of the father, is still absolute, and includes the power of life and death.

² 樂道堂文鈔, Peking, 1867, 5 vols. 8vo., ch. iv, fol. 15, a.

³ *Ibid.*, ch. ii, fol. 23, a, b.

⁴ *Ibid.*, ch. iii, fol. 16, b. The words, objected to, are 撫馭, and will be explained further on.

⁵ Treaties between the United States of America and China, Japan, Lewcheu and Siam etc.; published by authority, Hongkong, 1862, 8vo., p. 24.

⁶ None of the characters, chosen for transcription, enter into Chinese proper

Wade reflects as little credit on his diplomatic and philological capacity, as its invention does on that of his predecessor. Dr. Williams' transcription of the American designation of (the Great) "President" in Chinese characters, as 大 伯 理 璽 天 德,⁵—which a Chinaman can only read "the Great Count Li-Hsi-T'ien-Tò," wondering that so strange a name should have been invented by any rational human being,⁶—is an error of judgement, into which other men might possibly have fallen; Mr. Wade's adoption of the title in question a mistake, fatal to a reputation. The meaning of 主 has undergone no modification from the earliest times of Chinese history to the present day. It is simply and exclusively that of "chief," "master" or "lord," in the sense f. i. of 縣 主 "the chief of a district" or a district-magistrate; 家 主 "the master of a house;" 店 主 "an inn-keeper;" 天 主 "the Lord of Heaven" i. e. God. It is, the same as 君, used for both genders, the masculine and the feminine. Dr. Morrison is positively wrong in assigning to it, as one of its proper meanings, that of "a Sovereign."⁷ It does not, and never did, bear this signification. Like our own term "lord," it is in a general sense conventionally applied to an Earl, a Duke, a Sovereign, the Deity Itself, and, when so applied, assumes by implication a corresponding meaning: but in Chinese, no more than in English, does that meaning therefore become *proper* to the term 主 "a lord" or "a master." In short, the Chinese word, of itself, conveys no idea either of rank or title whatever. As regards the signification of 君, Dr. Morrison describes it:⁸ "One at the head of a community, to whom all hearts are directed. A chief; a lord, a prince; a king; a sovereign; an emperor; one in a dignified and honorable situation; honorable most honorable; the father or mother of a family; a virtuous good

names. It is, of course, Dr. Williams, who is responsible for the unmeaning medley of sounds, selected by him, in a moment of philological perplexity or despair, to designate the temporary sovereign of one of the greatest and most powerful States of modern times,—no doubt to the intense amusement and delight of the Ministers of the Tsung-li Yamén, and the Chinese Court.

⁵ A Dictionary of the Chinese Language, by the Rev. R. Morrison D. D.,
sub voce 主.

⁸ A Dictionary of the Chinese Language, by the Rev. R. Morrison, D. D.,
sub voce 君.

man ; a title of respect in very general use ;—applied to superiors ; to inferiors ; and to equals ; to men and to women ; to the living and to the dead." All this, however, is not only confused and uncritical, but mostly erroneous. The meaning of 君 is closely allied to, and almost identical with, that of 主 as "chief," "master," "lord ;" being only of a mere *honorary* character.¹ In this sense, it still forms a prominent element in the language of Chinese courtesy. Thus, the Chinese envoys Chih-kang and S'un-kia-ku, who are sent by the Emperor of China as 使臣, would expect to be received by the European Sovereigns as 使君.² "The master of the house," whom the servants call 家主, is spoken of by his wives and children as 家君, "the chief or head of the family." The expressions differ : the meaning is the same. And because the Chinese look upon the Universal Empire as one great household ; so the Emperor of China is, in the same familiar sense of high respect, styled 大君 or simply 君, "the great head" or simply "the head of the human family ;"³—by no means as a title, but as an honorary appellation. In conformity with this we find in K'ang-hsi's Dictionary two passages quoted, the one from the Chow-e, which reads : 大君有命 "the great head of the human family is possessed of Heaven's power of dominion ;"⁴ the other from the Shu-king, in which it is said of Yu the Great : 皇天眷命奄有四海爲天下君, "Heaven on high having graciously

¹ In the 說文, ch. iii, fol. 7, 君 is defined : 尊也.

² As a further illustration, suppose one Chinese gentleman to inquire of another, in the higher style of conversation : How is your father (父) ? He might ask : 尊君好 or 尊嚴好 ; literally : Venerable head of family well ? and the answer would be either 家君好 or 家父好, "head of household well" or "father of house well" ; according to circumstances. In a similar case, the mother (母) would by a lady-acquaintance be styled 尊慈, or, if she be the mother of the master of the house, 尊太君 ; and, in answer, by a daughter 家母. The father, as has been already observed, is by his children called 家君 ; a husband (夫) by his wife and concubines 夫君.

³ Thus by Prince Kung, in the passages quoted above from his recently published Essays. In another place, ch. i, fol. 31, 君, we read : 父母爲一家之主猶國之有君也, "as father and mother are the master of a single household, so has the State its (君) head of the whole human family." The Emperor of China is very commonly represented as "the people's father-and-mother", both in the sacred and the profane literature of the Chinese.

conferred on you the power of dominion, you at once obtained possession of (the lands within and beyond) the Four Seas, and thus became the lord (君) of the World."⁵ In another passage of the Shu-king we read: 乃惟成湯克以爾多方簡代夏作民主, "in the case of Chêng-t'ang, it happened because he was the elect of your whole country, that he superseded Hsia and became the chief (主) of mankind;"⁶ and in a modern work, also in reference to the Emperor of China, it is said: 人君主宰天下辨別邪正審察是非, "the lord (君) of mankind, ruling the World, understands what is right, what wrong; knows what is true, what not true."⁷

50. From these various quotations it is plain, that 主 and 君 are essentially synonymous terms, and that the meaning, attaching to them in common, as has been stated, is simply "chief," "master," "lord." Nor have we met with one single passage either in the classics or in any other work, in which even 君, on closer examination, would bear a different construction; except that, on account of its more honorary import and in conformity with the usage of our own language, we might occasionally have to translate it "prince," in the general acceptance of the latter word. Thus, when we read in the Shu-king of 昔君文王武王, "the ancient chiefs (of the Chinese nation) the Emperors Wên and Wu,"⁸ we would naturally substitute the term "princes" for that of "chiefs (of the

⁴ 康熙字典, Imperial Press, 1716, 40 vols. 8vo., *sub voce*; comp. the 周易 (in the Thirteen Classics vol. ii) ch. iii, fol. 4, b.

⁵ 書經, 大禹謨, Dr. Legge's edition p. 54. The editor translates inaccurately: "Great Heaven" regarded you with its favouring decree, and suddenly you obtained all within the Four Seas, and became sovereign of the empire." The first phrase conveys no meaning in the English language. Instead of the words "and became sovereign of the empire", the text might somewhat freely be rendered: "and became the sovereign of the world"; not, however, because the meaning "sovereign" attaches to the character 君 "lord", but because the honorary appellation of 君 is here applied to "the One Sovereign of the Earth".

⁶ 書經, 多方, Dr. Legge's edition p. 498. He translates: "In the case indeed of T'ang the Successful, it was because he was the choice of your many regions, that he superseded Hsia, and became the lord of the people".

⁷ 欽定執中成憲, Imperial Press, 1736, 4 vols. 8vo., ch. iv, fol. 23, a. This is the only passage, we have met with, in which 君主 might possibly have been mistaken for a compound. We need hardly remark, however, that 主宰 forms here a verb of amplification or intensity.

⁸ 書經, 顧命, Dr. Legge's edition, p. 547.

Chinese nation);" or when, in the same harangue by the Emperor of China, he calls his feudal lords in one sentence 邦伯 "lords of tributary States," and in another sentence 邦君 "chiefs of tributary States,"¹ the term "princes" might not inappropriately be used in both cases for 君 as well as for 伯. But this would in no wise affect the meaning proper to 君. The term can be mistaken for no ancient title of Chinese nobility, because, independently of other reasons, it is both in the Shu-king² and in the Urh-ya³ positively excluded from those titles. It is purely, as stated in the Shúo-wên, a term of honor, which differs in this from our own, somewhat analogous, term "lord," that 君 is applicable to every rank and degree, from the Deity and the Emperor down to a simple nobleman and the father of a private family.⁴ Like 主, therefore, the expression 君 conveys, of itself, no idea whatever of either rank or title. Against this conclusion, it might possibly be argued, that in the Shu-king there are three books superscribed 君奭, 君陳 and 君牙 respectively; and the former phrase being by Dr. Legge translated "Prince Shih," that high authority is against us. Dr. Legge, indeed, states: "君奭 in the plainness of ancient manners, it is said, when people were talking together they called each other by their names." This is observed in reference to the opening words of the book in question: 周公若曰君奭, which he translates: "The duke of Chow spake to the following effect, 'Prince Shih,' etc.; whereas, according to the maxim alluded to by him, 君 should, in this place, represent part of the proper name of Kün-shih. "Shih, however," he goes on to assert, "is honored with the title of 'prince,' which might be given to him, as he had been invested with the principality of Yen."⁵ Without inquiring

¹ 書經. 酒誥, Dr. Legge's edition, pp. 406, 407. We have taken 伯 here in its general sense of "lord". The exact dignity, to be attached to the term for the period in question, is somewhat doubtful. Certainly it had not as yet assumed the specific meaning, which it bears in later times and continues to bear to this day, namely the title of "Count", being that of the third degree of Chinese hereditary nobility.

² 書經. 康王之誥, Dr. Legge's edition, p. 566, where the feudal lords are classed as 侯甸男衛; comp. 酒誥, Dr. Legge's edition, pp. 406, 407.

³ 爾雅. 釋詁, ch. i, fol. 2, b.

⁴ A variety of these applications may be seen in the Dictionary 經籍詁林

whether, at the time in question, this investiture had taken place or not, it is in contradiction with himself and on the exclusive ground of a "might be," that Dr. Legge creates, and confers on the lord of Sháu, the specific *title* of 'prince;' while, with manifest inconsistency he renders, in the two other cases, 君陳 and 君牙 as proper names, remarking that in these instances "君 appears to be a part of the name;"⁶ and overlooks that, had 君 there really to be regarded as a title, the text, in accordance with an invariable usage of the Chinese language, instead of 君爽, 君陳 and 君牙, ought to read 爽君, 陳君 and 牙君: since the Chinese say, not 王武, but 武王 for the Emperor Wu; not 公周, but 周公 for the Duke Chow; not 侯文, but 文侯 for the Marquis 'Ho. Moreover, he himself observes that Shih was 召伯, "lord of Sháu," and one of 三公, "the three Dukes" or highest officials and nobles of the dynasty, whence he was called the duke of Sháu.⁷ His *title*, therefore, was that of "Duke."

51. It would thus appear, that the simple honorary meaning, proper to 君 as well as to 主, in the sense of "chief," "master," "lord", admits of no doubt; and that, consequently, both terms in combination, as 君主, retain, if any, the same meaning, only more redundantly expressed. Probably, Dr. Morrison, in compounding this title for the Queen of England, was misled by the apparent analogy of the Chinese titles of 公主, literally "a ducal lady", i.e. "a lady of ducal rank",—corresponding to the Russian "Grand-Duchess",—for "Princess", first introduced as a title for his daughters by the great founder of the Chin dynasty, 秦始皇帝 (42), and the similar descending female titles of 郡主, 縣主, 郡君, 縣君;⁸ and, erroneously taking 君 in the sense, in

補遺, (1798, 64 vols. 8vo., ch. xii, fol. 10, a, sqq.), published under the patronage of 阮元.

⁶ Dr. Legge, Note to his edition of the Shu-King, p. 420.

⁶ Dr. Legge, in Index iii to his edition of the Shu-King, p. 660.

⁷ Dr. Legge, Notes to his edition of the Shu-King, p. 420.

⁸ In the "Rites and Ceremonies of the Ta-Ching Dynasty" (p. 88 above), a description of the Ceremonies relating to the 公主 occupy six pages, while the 郡主 etc. are dismissed in these columns (ch. xxix, fol. 5 a—8 a). Here and generally the female dignity of 主 is above that of 君.

ལྷན་པོ་སྐུ་འཕྲུལ་གྱི་འཇམ་མཁའ་ལྷན་པོ་ལྷན་པོ་

likewise published by, order of the Emperor and, besides Mongolian and Tibetan titles, with the Chinese title 御製四體清文鑑, Palace Press, 24 vols., roy. 8°, ch. iii, fol. 1 b., and in the

ལྷན་པོ་སྐུ་འཕྲུལ་གྱི་འཇམ་མཁའ་ལྷན་པོ་ལྷན་པོ་

under the Chinese title 四體合璧國書, 11 vols., roy. 8°, ch. 乾 ii, fol. 48 a, the equivalent, given in both works, are: in Chinese “主”; in Mongolian “”; and in Tibetan

“”. The meaning of 主 has already been shown to be “chief”, “master”, “lord”; in addition to which we may still be permitted to adduce the authority of Dr. Williams, who defines the Chinese term thus: “a ruler, a lord, a master; a host; the chief; the head”.¹ That of the Mongolian is given in

Schmidt's Mongolian-German-Russian Dictionary² as “Herrscher Herr, Eigenthümer,” i. e. “a ruler, lord or master, proprietor;” and

that of the Tibetan in Schmidt's Tibetan-German Dictionary³ as “ein Meister, Herr; der Hausherr, Eigenthümer, Besitzer,” i. e. “a master, lord, the master of the house, owner, proprietor;” in Csoma de Kőrös's Tibetan and English Dictionary⁴ as “master, lord, one's husband, an owner, possessor.”⁵ “The Great Lady” is, therefore, a true and faithful rendering of the Chinese title 大君主, given in the Hon. Mr. Burlingame's Letter of Credence to Victoria I. of England.

52. *The British Empire*—is in the same Letter designated as 大英國 “the Great Ying State,” a disrespectful abbreviation for

¹ Also in Amyot's Dictionnaire Tartare-Mantchou-Français, rédigé et publié par

L. Langlès, Paris 1789, 3 vols. 4to., the proper meaning of is correctly

given as “Maitre, Seigneur” (vol. i, p. 112); but when it is further added “Souverain, Roi, Empereur” etc., the authors fall into the same error, which is committed by Dr. Morrison.

大英吉利國 "the Great Ying-ki-li state;" *Ying-ki-li* being intended to convey, in Chinese characters, the sound "England;" so that the literal English of **大英國** is "the Great State of Eng." The common application of **國** to the Ching Empire and **英吉利** is generally taken to imply a perfect equality in the political rank of both countries. We have found this impression to rest on an unquestionable error: the term **國** being used, in the Chinese language, indifferently of an independent and a dependent, a tributary and a sovereign, state. What, then, is the meaning, attaching to it in our Letter of Credence? Manifestly that of **屬國** "an entailed" or "tributary State;" for, the fact of the Emperor of China claiming to be "the Great Exalted Monarch and Highpriest of the Great Ching Empire of the World," while according to the English Sovereign the mere title of "the Great Lady," could of itself leave no doubt on the subject. We may be permitted, however, to adduce some further and special proofs, in addition to those of a more general, though conclusive, nature, which have already been furnished (47-48). Thus, in a work on the national costumes of "the Inner and Outer savage and barbarian Tributary Races," published by command of the Emperor Chien-Lung,¹ we find **英吉利國夷人**, "a barbarian Englishman" depicted, balancing a brandy-bottle in one hand, and with some difficulty maintaining a dubious personal equilibrium. In a short descriptive notice, which follows the illustration, he is associated with "the barbarian Dutchman,"—to whom, however, a special paragraph is devoted in another place;—and both England and Holland are

¹ 御製題皇清職貢圖, Imperial Press, Chien-Lung 16 (1741) 9 vols. roy. 8vo. In the Imperial Rescript, prefixed to the work, the expression alluded to is: **內外苗夷輸**. The term **苗** "savage", "wild" is used here in a general sense, but in particular allusion to the **苗子**,—"a tribe", according to K'ang-Hsi's Dictionary, "of savages, who have wings and live like brutes" (Dr. Morrison's Dictionary of the Chinese Language *sub voce*). From the above passage it is clear that, as the **苗** are the barbarians of the Inner State, i.e. China Proper, so the **夷** are the savages of the Outer States; and the meaning of the latter term is, in this place, subject to no doubt.

² *Ibid.*, ch. i, fol. 47, a: **英吉利亦荷蘭屬國夷人**. The tributary States of Europe include Russia, Denmark, Poland, Hungary, France, Portugal, etc.

³ 欽定禮部則例, Imperial Press, T'ao-Kuang 24 (1844), 24 vols. roy. 8vo., ch. clxxx, fol. 1 a, seqq.

expressly designated as 屬國, "entailed" or "tributary States."² It is well known that Lord Macartney, whose Embassy to China took place in the 58th year of the reign of Chien-Lung, was received by that Emperor as 貢使 "a messenger bearing tribute;" and a detailed official account of his reception and the articles of tribute, 貢物, which, upon his petition, he was permitted to offer on the part of 噶咭喇國王 "the Prince of the Ying-ki-li State," is given by the Government-Board of Rites and Ceremonies.³ In the latest edition, published, in 1844, of its authoritative Handbook, there is also a short and very guarded narrative of the abortive Embassy of Lord Amherst to the Court of Kia-Ching, in 1816. Here again it is related that in the 21st year of that Emperor's reign, a messenger from the Yin-ki-li State 進貢來京, "came to the Capital to present tribute;" but both the first and second messengers having been reported sick, they were commanded to return home. Their tributary presents, however, including portraits of 國王王妃, "the Prince of the State and the Prince's concubine"⁴—the King and Queen of England—were graciously accepted, and, by way of reward, a white jade sceptre, conferred by the Emperors of China on feudal princes as a token of both vassalage and investiture,⁵ accompanied by a corresponding Imperial Letter, 勅書, was sent in return.⁶ When, in addition to all this, we consider what has been previously stated; further that, in a recently published official Atlas, England and her Dependencies are laid down as so many principalities of the Ching Empire; and that a living Chinese ex-Cabinet Minister and His Imperial Highness

⁴ "妃, Royal or Imperial Concubines. The 妻 Ts'e, Wife, or Queen is called 后 How; those next in rank, the 妾 Ts'eh, or Concubines, are called 妃, 妃. The term is also applied to the wife of the Heir-apparent". (Dr. Morrison's English-Chinese Dictionary, *sub voce*.)

⁵ Comp. the Shu-King, Dr. Legge's Edition of the Chinese Classics, vol. iii, p. 34. If we remember aright, a jade-sceptre was, some years ago, sent as a present also to the late Prince Consort.

⁶ Among the tributary Sovereigns we find, strange to relate, also "the Vicar of Christ on Earth", His Holiness Pope Benedict, described as 西洋意, 達里亞國王, "Prince of European Italia". His tributary presents, 恭進, "reverentially offered up" by the Roman Pontiff in 1729, included 厚福水五十瓶 "of holy water fifty bottles". They were accompanied by fifty jars of snuff.

Prince Kung himself publicly affirm, that every human being and every corner of the habitable Earth are subject to "the One Solitary Man," who governs the World: the literal fidelity of our version, in rendering 大英國 "the Great Ying State [England as one of the States of the Ching Empire Universal]," will hardly be questioned. In the Hon. Mr. Burlingame's Letter of Credence, the British Empire is reduced to a Chinese province—"the Principality of Eng."

58. *The Greeting*.—In accordance with the tone and spirit, pervading the whole of that Letter, the phrase 聞.....好 is in the highest degree discourteous; inasmuch as it is exclusively used by the superior towards his inferior. The inferior would towards the superior use 聞安. The ordinary form between equals is 安啓. In Manchu the terms are perfectly analogous. The Emperor of China condescends to greet the (feudal) Lady of his Principality Eng. In erroneously translating: "salutes," Mr. Brown fails to explain, like Dr. Williams (7 note 8) whether the expression has to be understood in a military sense, or in the missionary sense of a Christian salutation. In a semi-official note from one of the Ministers of the Tsung-li Yamên, in answer to a Foreign Minister's note excusing himself on account of indisposition, as published by Mr. Wade,¹ there occurs the phrase: 切勿介意 "(let His Excellency) feel no anxiety on that score;" upon which the editor remarks: "*wu*, let there not be *chie-i*, a particle of thought. Note that *wu* between equals should be 弗; but that the former which is properly the imperative of a superior has come to be used more commonly". It appears to us *naïf* to a degree, on Mr. Wade's part, to call public attention to the circumstance that, under his responsibility, it has

¹ Wên-Chien Tzù-Erh Chi, by Thomas F. Wade, C.B.; Secretary to H. B. M. Legation at Peking, London, 1867, 4to., p. 43, and Notes to Key p. 22.

² 樂道堂文鈔, Peking, 1867, 5 vols. 8vo., ch. ii, fol. 22, b.

³ In his Miscellaneous Works: 御製朱子全書, Imperial Press, 1713, 24 vols. roy. 8vo., ch. ii, fol. 10, a, *et saepe*: 五十知天命.

⁴ A Dictionary of the Chinese Language, by the Rev. R. Morrison, D.D., *sub voce* 命.—Dr. Williams, in his Tonic Dictionary (p. 290) gives: "To order, to command, to direct; an ordinance, a behest, a rescript giving orders, a direction, a decree; in polite usage, a request, a wish; heaven, fate, destiny, lot in life; nature, natural habits of; fortune, luck; the natural life of beings; animated, living creatures. 天命 will of heaven, fate".—Mr. Medhurst, in his Chinese and English Dictionary

become the custom of the Chinese authorities to address the Representative of England in terms of intentional discourtesy; but what may, in such a case, perhaps be considered as a personal slight only, assumes, in a formal Letter of Credence from the Emperor of China to the Queen of Great Britain, a different character.

54. *I, the Emperor.*—The term 朕 was originally a common pronoun for the first person; but since the time of 秦始皇帝, its use has been restricted to the Emperor of China, in the sense of "I, THE EMPEROR, the One Ruler, under Heaven, of Mankind." Such is the idea, which every Chinaman connects with the word, and which it is meant to convey in our Letter of Credence. The formula *We*, in use with European Sovereigns, altogether fails to express it. These Sovereigns, according to Chinese views, are Princes or Nobles, of whom there is no lack; the "Exalted Monarch and Highpriest of the World" is 天下一人 "the One Man of the Earth", as also his uncle Prince Kung styles him²; 寡 "the Lonely One", or "the Solitary Man", as in his humility he styles himself.

55. *Heaven's power of dominion.*—"At the age of fifty", the famous Chu-F'u-Ts'ü says,³ "you may understand the meaning of 天命"; nor have we met with an explanation of the term in any of the Chinese Dictionaries and Encyclopædias. For 命, Dr. Morrison gives:⁴ "Fate; fatum est quod dii fantur. The fate; the lot; the destiny of individuals in this life; the life of human beings; an order; a command; a decree; a precept. 天命 the decree or will of Heaven". From these various significations, the *political-historical* order, which alone concerns us here, is altogether absent. We shall in the first place, therefore, proceed to show, that some of the most important and common meanings,

(Batavia, 1842, 2 vols. 8vo., vol. i, p. 91), has: "To order, to direct, to instruct; a command, a decree, a precept, an announcement; life, fate, lot, destiny; the immovable laws of Providence; 天命 the decree of heaven".—Dr. Legge in his Dictionary to the Shu-king (p. 660) comes somewhat nearer to a true historical definition, viz.: "(1) As a verb. To charge, command, appoint. As a noun. Commands, order, requirements, charge. Those may be from man, as in the titles of several of the Books, or from Heaven or God. In this latter sense its common reference is to the favour or decree of God in dealing with the appointment to the sovereignty of the empire". Yet, with an inconsistency, approaching almost to perverseness, Dr. Legge renders 命 in every impossible and possible way, save the right one.

proper to 命 as a noun, are: "power of dominion"; "dominion"; "reign"; "empire". Thus, in the "Mirror of the Ming", a critical review of the Ming reign by an Imperial Commission of the present Dynasty, we read:¹ 書曰天難謫命靡常大雅曰天命靡常自古帝王必有大功德於民而後能誕膺天命享國久遠 "The Shu-King says: 'Heaven's difficult and grave power of dominion (命) is not held for ever'; and the Ta-ya: 'Heaven's power of dominion (命) is not held for ever'. But from of old there were Emperors and Kings; consequently there must needs have been great merit and virtue among the people: and hence it was that Heaven's power of dominion (命) could be received, and the government of the empire be enjoyed so long". In a recent work on historical chronology,² the author, after premising that the universal dominion had been transferred to the Ching dynasty, goes on to state, that 書之以見天命之攸歸 "the object of the book is to exhibit the succession of the various Heaven-appointed reigns" (天命); and subsequently relates *f.i.* that 宋高宗受命中興, "after the Emperor Káo-Tsung of the Sung had ascended the throne (or succeeded to the Empire, literally, had received [Heaven's] power of dominion [天] 命), towards the middle of his reign the State began to prosper". In a geographical memoir on a little-known portion of the province Hu-Nan,³ it is stated that, 大清受命五十餘年...康熙四十年..., "when the Ta-Ching [dynasty]

¹ 欽定明鑑, Imperial Press, 1819, 24 vols. roy. 8vv., vol. i, ch. i. fol. 15, a. Comp. 書經, 咸有一德, Dr. Legge's edition, p. 213, and 君爽, p. 476. The former passage Dr. Legge translates: "(Oh!) it is difficult to rely on Heaven;—its appointments are not constant". The latter reads: 天命不易天難謫乃其堅命弗克經歷嗣前人恭明德, and is rendered by him: "The favor of Heaven is not easily preserved. Heaven is hard to be depended on. Men lose its favouring appointment because they cannot pursue and carry out the reverence and brilliant virtue of their forefathers". The context, however, does not speak of the favor of Heaven, but of the difficulty of preserving the Empire (bestowed by Heaven), or Heaven's power of dominion; which, here also, is the true meaning of 命 in both places. We confess, the maxim that Heaven is difficult to be relied on or to be trusted (Dr. Legge, p. 718), appears to us altogether unacceptable, and is, certainly, diametrically opposed to the entire moral doctrine of the Chinese. The terms "difficult", "hard", "unbending" being synonymous in their language, Dr. Legge should have rendered the passage in question: "Heaven is unbending and

had been in possession of the Empire (literally, the power of dominion, 命) for upwards of half a century, in the 40th year of [the Emperor] K'ang-Hsi "...such and such things happened. In the passage, quoted above (48) from an Essay by the ex-Cabinet-Minister Chi-Kün-Tsáu, we read: "the Ta-Ching having succeeded to the Empire (命), the entire Earth became their property". In the collection of Essays by Prince Kung, already more than once cited, it is said: 晉自唐叔肇封其受命於周, "the Kin dynasty date their appanage from T'ang-Shu, and received the Empire (or attained to universal dominion) (命) through the Chow".⁴ To these quotations, taken from modern works of a varied character, may be added a few similar ones from the Chinese Classics, more especially from the Shu-King, since we are of Mr. Wilson's opinion, ⁵ that "Dr. Williams correctly states the 'Shoo-King' or Historical Classic to contain the seeds of all things that are valuable in the estimation of the Chinese"; and that "it is at once the foundation of their political system, their history and their religious rites". We there read:⁶ 欽崇天道永保天命, "to revere and honor Heaven, is the (only) way for ever to preserve Heaven's power of dominion" (天命, i.e. the dominion bestowed by Heaven). Of the last Emperor of the Hsia dynasty it is said:⁷ 皇天弗保監于萬方啟迪有命, "High Heaven no longer held him in his keeping, but looked down upon the lands of the Earth to see for whom to pave the way to the Empire" (命). 天乃佑命

earnest", namely in the resolution to maintain a good government on Earth; and men being frail—even as vicegerents of God, whether called 帝 or "Papa"—it is thence that arises the difficulty to preserve the Empire or Heaven's power of dominion, on which that preservation rests.

² 紀元通攷, Peking, 1828, 4 vols. 8vo.; vol. i, ch. i, fol. 1, a; fol. 19, a.

³ 連山綏猺廳志, Peking, 1829, 1 vol. 8vo., fol. 3, b.

⁴ 樂道堂文鈔, Peking, 1867, 5 vols. 8vo., ch. i, fol. 21, b.

⁵ A History of the Chinese Campaign under Lt.-Col. Gordon, pp. 7—8.

⁶ 書經, 仲虺之誥, Dr. Legge's edition, p. 183. He translates: "To revere and honor the way of Heaven, is the way ever to preserve the favouring regard of Heaven".

⁷ 書經, 咸有一德, Dr. Legge's edition, p. 124. His rendering is: "Great Heaven no longer extended its protection to him. It looked out among the myriad regions to give its guidance to one who might receive its favour".

成湯降黜夏命, "Heaven, protecting (the people), commanded Ch'eng-T'ang to make an end of the dominion (命) of the Hsia dynasty".¹ It was thus that the T'ang 受天命以有九有之師, "received Heaven's power of dominion (天命 i.e. the Empire, conferred by Heaven), and became the master of the habitable world".² The ancient Emperor Yáu is made to exclaim:³ 咨四岳朕在位七十載汝能庸命巽朕位, "Ah, S'ih-yüe, I have occupied the throne these seventy years past; could not you take charge of the Empire (命)? I will resign the throne to you". Again we read:⁴ 天既訖我殷命, "Heaven is bringing to an end our Yin Empire (命)"; and:⁵ 無戲怠懋建大命, "Do not indulge in amusements and idleness, but exert yourselves to raise up a great Empire" (命). Further:⁶ 今嗣王新服厥命惟新厥德, "now, oh youthful Sovereign, that you have freshly entered on your reign (命), keep fresh your virtue"; and:⁷ 天其永我命于茲新邑紹復先王之大業, "Heaven will perpetuate our dominion (命) in this new city; and thus the great patrimony of former Emperors will endure and prosper". In the Book of Odes it is said:⁸ 文武受命召公維翰, "Wên and Wu having obtained the Empire (命) they rested on the Duke of Sháu, as a bird does on its wings"; and:⁹ 天命玄鳥降而生商, "the black bird (an omen) of Heaven's dominion (命) descended, and the Shang dynasty was born".

56. We might multiply these citations *usque ad nauseam*, but shall content ourselves to add a few more words on the Chinese

¹ 書經, 泰誓中, Dr. Legge's edition, p. 290—1. Heaven favoured and charged T'ang the Successful, to make an end of the decree of Hea".

² 書經, 咸有一德, Dr. Legge's edition, p. 215. His version reads: "He received in consequence the bright favour of Heaven, and became master of the multitudes of the nine provinces". This rendering of 九有 rests on a misconception. Of "the multitudes" the text bears no trace. "Nine-tenths" of the Earth were considered to be habitable and inhabited.

³ 書經, 堯典, Dr. Legge's edition, p. 25; where he translates: "Oh you chief of the four mountains, I have been on the throne for seventy years. You can carry out my appointments;—I will resign my throne to you".

⁴ 書經, 西伯戡黎, Dr. Legge's edition, p. 268. He translates: "Heaven is bringing to an end the destiny of our dynasty of Yin".

⁵ 書經, 盤庚下, Dr. Legge's edition, p. 243; whose version is: "Do not

doctrine of the 天命, nearly related to that of the "*Hadebber*" of the Hebrews, which has been so inadequately, not to say erroneously, translated *ὁ λόγος* into Greek, and ¹⁰ "the Word" into English; and with which, in Chinese philosophy, 天命 has essentially the same meaning, namely: God's eternal power of thought, reason and volition, which in the very process of activity, embodies and realises itself. In individual man it corresponds to his nature and innate qualities, and assumes in 我, the *ego* or *I* of Kant's philosophy, various forms and modifications. As a gift bestowed by Heaven on man, it is called 德, *virtus*, virtue, and includes not the moral only, but the intellectual and the higher physical qualities as well. In only one person, however, at any given period of history, the 德 attains to a state of perfection; and this one person is the Emperor of China: not because he is Emperor of China, or rather of the World; but because, being the only living man possessed of complete virtue, God has chosen him as His Representative to govern mankind, and for this purpose has conferred on him the 天命, which, now no longer viewed as an abstraction, but as applied to a special political purpose, assumes the corresponding special meaning of "the divine power of dominion", "dominion", or "Empire". Taking "the Kingdom Universal of God" in a *political* sense, it would, perhaps, be the most faithful expression for 大清國, by which the latter designation could be rendered. Alas that, historically speaking, the one should have its troubles and little deficiencies as well as the other. This "great dominion of the World", 天下之大命, to use

play or be idle, but exert yourselves to build here a great destiny *for us*".

⁶ 書經, 咸有一德, Dr. Legge's edition, p. 216. He renders the passage: "Now, O young king, you are newly entering on your *great* appointment,—you should be making new your virtue".

⁷ 書經, 盤庚上, Dr. Legge's edition, p. 223. His translation reads: "Heaven will perpetuate its decree in our favour in this new city;—the great possession of the former kings will be continued and renewed".

⁸ 詩經, 天雅, ch. vii, fol. 22, b.

⁹ 詩經, 商頌, ch. viii, fol. 30, a.

¹⁰ See the 御製性理大全書, Imperial Press, 1659, 32 vols. roy. 8vo., ch. xxix; the digest of this work, published under the title 御纂性理精義, Imperial Press, 1717, 5 vols. roy. 8vo., ch. ix; and 御製朱子全書, Imperial Press, 1713, 24 vols. roy. 8vo., ch. xlii.

the words of Prince Kung,¹ while 無疆惟休亦大惟艱 “offering much that is desirable, involves also great difficulties”;² and 天命不易, “Heaven’s power of dominion is not easily preserved”.³ Theory is one thing; practice another. Even “the Son of Heaven” is apt to forget that he is but Heaven’s responsible agent, and to imagine the Earth and mankind to be his own personal property. Hence tyranny and oppression of the people; and hence dynastic changes. So it is said of the last Emperor of the Hsia:⁴ 有夏多罪天命殛之 “having filled the measure of his crimes, Heaven decreed his destruction”;⁵ and 獄人之大命死者不可復生, “the great dominion (命) of evil men having once become extinct, cannot be resuscitated;”⁶ that is to say, not in the same dynasty. Another family ascends the Terrestrial Throne, albeit not without a political struggle. On such occasions the 天命 passes through three different phases. During the first phase, it has the meaning of “Heaven’s call to dominion”. A patriot of great virtue is 將天命明威 “charged with the bright terrors of Heaven’s power of dominion”⁷ and, 天命弗僭 “Heaven’s call to dominion being unerring” is induced 請命 “to seek the Empire”, for the purpose 輯寧爾邦家 “of restoring peace and harmony to the State”, literally “the (one) household of (ten-thousand) Principalities”. During the second phase, while the contest for dominion remains as yet undecided, 天命 represent’s “Heaven’s sovereign-authority. In

¹ 樂道堂文鈔, ch. ii, fol. 22, b.

² 書經, 君奭, Dr. Legge’s edition, p. 483.

³ *Ibid.*, Dr. Legge’s edition, p. 4J6: “Heaven’s favour is not easily preserved”.

⁴ See *Ibid.* 泰誓中, Dr. Legge’s edition, p. 291.

⁵ *Ibid.* 湯誓, Dr. Legge’s edition, p. 173. He translates: “For the many crimes of the Sovereign of Hsia, Heaven has given the charge to destroy him”.

⁶ 欽定執中成憲, Imperial Press, 1728, 7 vols. roy. 8vo., ch. ii, fol. 1, a.

⁷ 書經, 湯誥, Dr. Legge’s edition, pp. 187 seqq; in what Dr. Legge not inappropriately terms T’ang’s coronation-speech on the inauguration of the new dynasty.

⁸ 中庸, ch. xviii, 3. Dr. Legge’s edition of the Chinese Classics, vol. i, p. 265.

⁹ 書經, 中庸, ch. xvii, 5. Dr. Legge’s edition of the Chinese Classics, vol. i. Hongkong, 1861, 8vo., p. 264. The editor renders the passage: “Therefore he who is greatly virtuous, will be sure to receive the appointment of Heaven”. So we read also in the Shu-King (Dr. Legge’s edition, p. 199): 天監厥德用集大命

the "Doctrine of the Mean"⁸ it is related, that 武王末受天命, "the Emperor Wu was invested with Heaven's *sovereign-authority* at an advanced age"; but, being a man of complete virtue, and 故大德者必受命, "he, who is possessed with all virtue being sure to obtain the Empire",⁹ 壹戎依而有天下, "he but once buckled on his armour, and obtained possession of the World".¹⁰ At this phase of actual success it is, that 天命 assumes the meaning of "the Empire Universal and Divine". Of Wên it is said in the Book of Odes:¹¹ 上帝既命 "God Himself conferred on him the *Empire* (命)"; and in the Shu-King:¹² 惟時上帝集厥命于文王; "therefore did God confer the *Empire* (命)¹³ on King Wên"; while in another place we read of Wên and Wu: 用端命于上帝皇天用訓厥道付畀四方; "so they received the Empire from God: High Heaven approving of their ways, bestowed on them the World". And the Emperor Wu himself, after eulogizing his ancestors, relates¹⁴ how his father at last 誕膺天命...大邦畏其力小邦懷其德, "succeeded to Heaven's Empire; ...the larger Principalities fearing his power, the smaller ones cherishing his virtues". Yet, though dynasties change and supplant one another, the 天命, or Heaven's own power of dominion, bestowed on, or transmitted through, them remains, all-enduring of its nature, ever the same. Referring to the reign of the Hsia dynasty, the Duke of Chow observes:¹⁵ 今時既陟厥命, "now, this empire

撫綏萬方, "Heaven saw its virtue, and bestowed on him its full power of dominion, to the end that he might reduce the whole Earth to a state of concord". Dr. Legge renders the passage:—"Heaven took notice of his virtue, and caused its great appointment to light on him, that he should soothe and tranquillize the myriad regions".

¹⁰中庸, ch. xviii, 3. Dr. Legge's edition of the Chinese Classics, vol. i, p. 265.

¹¹詩經, 大雅, ch. vi, fol. 2, a.

¹²書經, 文侯之命, Dr. Legge's edition, p. 613. His version is: "Therefore did God cause his favouring decree to light upon King Wan".

¹³書經, 康王之誥, Dr. Legge's edition, p. 567. He translates: "Thus did they receive the true favouring decree from God; and thus did Great Heaven approve of their ways, and gave them the four quarters of the Empire". The term 四方 "the four quarters" is always understood of "the World".

¹⁴書經, 武成, Dr. Legge's edition, p. 311.

¹⁵書經, 召誥, Dr. Legge's edition, pp. 427 seqq.

(命) has fallen to the ground",—and the same words are repeated in reference to the fallen Yin dynasty—; but he does not venture to say that 有夏服天命惟有歷年, "the dominion (命) conferred by Heaven on the Hsia, was to last only so many years"; the simple fact being that, from bad government, that dominion (命) came to a premature end. Nor does he dare to say, that 有殷受天命惟有歷年, "the Yin having from Heaven received the dominion (命), it was to endure only so many years; the fact being that, from misgovernment, that dominion (命) also fell prematurely to the ground." And thus it happened, he concludes, that 今王嗣受厥命, "now our Emperor has succeeded to this dominion" (命); which, he considers, is the same divine authority (命),¹ that was formerly possessed by the Hsia and the Yin.²

57. It is in virtue of this divine authority, delegated, according to the Chinese theory, by God Himself to "the One Solitary Man of the Earth," possessed of the fullness of virtue, that an almost divine character is ascribed by the Government and people of China to their 皇帝 or "Exalted Monarch and Highpriest," whose power, as 天子 "Heaven's (only) Son" and Representative, is but one step removed from, and inferior to, that of the Deity, 上帝 "the Supreme Monarch" himself. Thus we read in one of

¹ As in the passage here referred to, 命 frequently occurs for 天命.

² In conformity with this, Chu-F'u-Ts'ü explains a certain passage in the Book of Odes (詩經, 大雅, in the Collection of the Nine Classics, Peking, 1854, 38 vols. roy. 8vo., ch. vi, fol. 4, a): 一章言文王有顯德而上帝有成命也二章天命集於文王... 三章言命周之福; "the first paragraph speaks of the Emperor Wên as possessed of the highest virtues, and of God as possessing the absolute power of dominion; the second paragraph relates how that divine power of dominion descended on the Emperor Wên...; the third paragraph states how the Empire became the investiture of the Chow". The doctrine of the 天命, no doubt, dates from a period long posterior to Yáo. In one of the Commentaries of the Shu-King, however, we read (Ed. of the Thirteen Classics, ch. i, fol. 27, a): 故鄭玄六藝論云若堯知命在舜舜知命在禹, "Chêng-S'uan the Lu-i as stating: As Yáo knew that the Empire (命) was to go to Shun, so Shun knew that the Empire (命) was to go to Yu". Evidently, here also 天命 is to be understood by 命.

³ 六書精義, 20 vols. 8vo., ch. iii, fol. 1, a. Our copy bears no date. It is a fine specimen of the later Sung press.

⁴ 欽定執中成憲, Imperial Press, 1736, 8 vols. 8vo., ch. i, p. 7, a.

the oldest dictionaries of the Chinese language:³ 天之主宰曰上帝人之主宰曰帝, "the Sovereign-Lord of Heaven is called *Shang-ti*; the Sovereign-Lord of mankind is called *ti*;" and in a work, published by order of the Emperor Chien-Lung: ⁴ 人君出治抑承天命俯臨百官必也, "the Lord of mankind, having received Heaven's power of dominion extending from on high in all directions around, from on high directs and controls all the officials of the World;" in accordance with which the Shu-king states: ⁵ 命予惟君萬邦百官承式王言惟作命, "the Son of Heaven rules the World; its numberless officials await in reverence his commands: the Emperor speaks and his will is done." 帝命式于九圍, "the Emperor's will reaches to the boundaries of the World;" ⁶ 帝命不時, "the Emperor's will is timeless;" ⁷ 帝命不違, "the Emperor's will suffers no opposition." ⁸ 大皇帝如命之仁無所不覆, "the Great Exalted Monarch's benevolence is like the benevolence of Heaven;" ⁹ 命予民之父母, "the Son of Heaven is the parent of mankind;" ¹⁰ whence 君臣父子, as Prince Kung tells us, ¹¹ "the relation of the Emperor to his subjects is that of a father to his children:" which means, that his power over mankind is absolute. In short, according to the 中庸: ¹² 溥博如天淵泉如淵見面民莫不敬言而莫不信行而民

³ 書經, 謫命上, Dr. Legge's edition, p. 248.

⁶ 詩經, 商頌, ch. viii, fol. 31, b.

⁷ 詩經, 大雅, ch. vi, fol. 1, a.

⁸ 詩經, 商頌, ch. viii, fol. 31, b.

⁹ Lin's Letter to Queen Vittoria, in Prof. Summer's "Handbook of the Chinese Language", Oxford, 1863, 8vo., pp. 23—24.

¹⁰ 八旬萬壽盛典, Imperial Press, Chien-Lung, 57, 1792, 24 vols., roy. 8vo., ch. xcvi, fol. 4, b.

¹¹ 樂道堂文鈔, Peking, 1869, 5 vols. 8vo., ch. iv, fol. 39, a.

¹² Dr. Legge's Edition of the Chinese Classics, vol. i. Hongkong, 1861, 8vo., p. 293. The Editor translates: "All-embracing and vast, he is like Heaven. Deep and active as a fountain, he is like the abyss. He is seen, and the people all reverence him; he speaks and the people all believe him; he acts and the people all are pleased with him. Therefore his fame overspreads the Middle Kingdom, and extends to all barbarous tribes. Wherever ships and carriages reach; wherever the strength of man penetrates; wherever the heavens overshadow and the earth sustains; wherever the sun and moon shine; wherever frosts and dews fall:—all who have blood and breath unfeignedly honour and love him. Hence it is said,—'He is the

莫不說是以聲名洋溢乎中國施及蠻貊舟車所至人力所通天之所覆地之所載日月所照霜露所隊凡有血氣者莫不尊親故曰配天, "Boundless and exalted like Heaven, unfathomable and profound like the abyss: he [the ideal Emperor] manifests himself, and mankind prostrate themselves; he speaks, and mankind confide; he acts, and mankind rejoice. So his name is extolled throughout the Central Lands, and resounds throughout the barbarian World. Wherever ships and vehicles find their way to; wherever the Heavens expand and the Earth sustains; wherever Sun and Moon shed their light; wherever frosts and dews descend:—all that has life and breath looks up to, and venerates, him. Hence it is said: 'He is Heaven's Equal'." 朕身爲天下之主, "I, the Emperor, individually," the Emperor Yung-Chêng states, ¹ "am the lord of the World." These quotations will suffice to show, that the Chinese doctrine of the 天命 is, and from a very high antiquity has been, what we have indicated above (24-26). According to that doctrine, held, maintained and, theoretically at least, enforced by the actual Government of China, there exists, extending over the whole Earth, but one universal Empire, of which the Sovereign of China, invested with Heaven's absolute power of dominion, is, under Heaven, the sole Monarch. This power of dominion, immediately emanating from, and conferred by, God, is unchangeable; and though occasionally forfeited by individual rulers, has from the earliest historical times uninterruptedly descended, through the

equal of Heaven'".—The whole paragraph in "the Doctrine of the Mean", from which this passage has been copied, is usually,—and so also by Dr. Legge,—but erroneously taken to be an eulogium of Confucius. It applies, and can apply, only to the 王天下, ch. xxix, 1; and ch. xxx, 1, interrupting the logical sequence of the text, is manifestly a parenthetical remark, the object of which is to explain, that the following delineation of a *perfect ruler* (comp. ch. xxix, 2—6) is professedly based on the doctrines of Yáo and Shun, and the statutes of Wên and Wu.

¹ In his famous Edicts to the Eight Banner-Corps, 上諭八旗, Imperial Press, Yung-Chêng 6, 1728, 24 vols. roy. 8vo, fol. xi, a.

² In addition to the nimbus, emanating from the 天命, several dynasties have considered it expedient to surround the head of their new Imperial family with the glory of a supernatural birth. So the reigning dynasty of the Ching. The legend, strongly savouring of the Gospel-narrative, Luke i, 26—56, may be read at length in the 皇清開國方畧, or History of the foundation of the Ching Empire, Imperial

various dynasties,² to the present occupant of the Terrestrial Throne.

58. *Extent and political character of the Heaven-bestowed Dominion of the Emperor of China.* The dominion, which Heaven has bestowed on the Exalted Monarch of the Ching Empire, he informs the Lady of the State Eng, comprehends 中外 "the Central and the Outer (Lands of the Earth)"—a familiar expression for 天下 "the World," which is avoided as objectionable to the Foreign Ministers, temporarily sojourning in the World's Capital. In reality, the expression now substituted, and qualified, by 一家, "one household," is the more objectionable of the two. Their meaning, however, is the same. Thus, in a Chinese newspaper, published in Shanghai,³ there is a rubric headed 中外新聞, "Home and Foreign News" or in the Chinese sense "News of the World", under which news from all quarters of the globe are communicated. In the history of one of K'ang-Hsi's campaigns,⁴ we read: 皇上統御萬邦爲中外生民主, "the Emperor rules over the ten-thousand principalities (or tributary states) i.e. the Earth: he is the lord of mankind Central-and Outer-born, 中外生, i.e. the whole human race"; and in another passage 我皇上如天好生撫視中外無有畛域咸同一體. "our Emperor, like Heaven, cherishes all that has life; encompasses and watches over the Central and Outer, having neither partition nor boundary, and forming but one single body". In a rare and curious work on Astrology,⁵ it is said that, when the Moon is in a certain position at a certain time, there will be throughout 天下中外

Press, Chien-Lung 丙午, 1786, 32 vols. fol.; Introduction. The scene is laid at the foot of 長白山高二百餘里 "the mountain Chang-pie, two hundred li and upwards high". It is probably to this mountain that Mr. Wade alludes, in stating that "there are mountains more than two hundred li [nearly seventy English miles] in height". We quote from one of the first of his "Forty Exercises", and from memory.

³ 上海新報, published thrice a week at the office of "the North-China Herald in Shanghai".

⁴ 御製親征平定朔漠方略, Imperial Press, 1708, 12 vols. roy. 8vo., ch. i, fol. 1, a; ch. i, fol. 16, a; comp. ch. xlv, fol. 20, b.

⁵ 觀象玩占, MSS., 10 vols. roy. 8vo., book x; ch. xlix, fol. 6, b. The copying of this work, which is much consulted by the Imperial family and the leading statesmen of China, is strictly prohibited. Hence the MSS. are rare, and difficult to be obtained.

"the Earth's Central and Outer Lands" much storm and rain. In the well-known Geography of the Maritime States by We Yüan,¹ we find it affirmed that 中外一家 "the Central and Outer States constitute but one household". In his Edicts to the Eight Banners,² the Emperor Yung-Chêng defines 中外一家 "the one household of the Central and Outer Lands" as 天下 "the World". His words are: 朕臨御天下中外一家 "I, the Emperor, succeeded to the Government of the World, the Central and Outer Lands, one household." 我命朝四海爲一家, "the Empire Universal of our Heavenly dynasty forms but one household," Lin states in his Letter to the Queen of England³; 天子有天下, "Heaven's Son possesses Heaven's dominions," i. e. the Earth, Prince Kung tells us;⁴ and in the Atlas, recently (1863) published by provincial authority, of "the Whole of the Central and Outer Possessions of the Exalted Dynasty", we find the 中外 of the Hon. Mr. Burlingame's Letter of Credence actually represented in the shape of the two hemispheres of our Globe. Dr. Morrison⁵ renders 天下: "all that is under the heavens; the world in a limited sense," and 天下一家: "the whole world is one family," which should manifestly read, either "the whole human race is one family," or else "the whole world is one household." Dr. Williams⁶ gives for 天下, "the empire; the world." It is true, that 天下 frequently occurs, in Chinese literature, in the sense of "the Empire," but invariably so in the unrestricted sense of "the Empire of the World," and not because "the Empire" is the meaning proper to the term,—which it is not;—but because "the World," being the meaning proper to it, constitutes, according to Chinese notions, *the* Empire. To attribute, as Dr. Williams does or seems to do, those notions to mere vanity and ignorance, betrays only ignorance, on his own part, of the political views and the fundamental principles of the Chinese Government. It is in virtue of the State-doctrine of Divine

¹ 海國圖志, third edition in 100 books, 24 vols. roy. 8vo., Preface, fol. 6, a.

² 上諭八旗, Imperial Press, 1728, 24 vols. roy. 8vo., fol. xlii, a.

³ In Prof. Summers' "Handbook of the Chinese Language", Oxford, 1863, 8vo., pp. 23—24.

Supremacy, inherent in the Crown of China, that he, who now wears that crown, claims the whole World as his dominion, and claims it in the character of a household, over which his power is absolute, and undivided.

59. This leaves us only to explain the grammatical construction of the phrase: 朕寅承天命中外一家, to which the preceding observations refer, and to compare with our translation of it Mr. Brown's quasi-official version. To those who find it difficult to enter into the spirit of another language, the genius of which differs essentially from that of their own, it may at first sight appear perplexing that, as they take it, 中外一家, in the oblique case, should be directly governed by 命, a noun in the genitive state with 天, and they may be the more inclined to regard this as a grammatical impossibility, because, in the earlier letters to the President of the United States, the form was 朕寅承天命撫馭天下, which is more in accordance with the syntax of our own language. Even were we to adopt this view, there is no reason why 天命 should not be taken in the sense of "Heaven's power to rule" or "Heaven's dominion over," which attaches to the term as much as "Heaven's authority" does. But the true grammatical structure of our sentence is manifestly a different one. The verb governing the object is 承; the object 天命; 命, being in this case a long-accomplished political fact, has to be taken in the sense of "Dominion," "Empire", and 中外一家 in apposition to 天命; which gives both to the simple construction and to the sense an extreme force: "I, THE EMPEROR, having with reverence received "Heaven's Empire: the (Central and Outer) World, one household." It is in the same spirit, that Yung-Chêng, as we have seen, declares: "I THE EMPEROR, individually, am the Lord of the World;" and that Dr. Williams states the whole Empire to be "the Emperor's *property*." Our view, moreover, is fully confirmed by the Manchu text, which reads:

⁴ 樂道堂文鈔, Peking, 1869, 5 vols. 8vo., ch. i, fol. xxxi, a.

⁵ A Dictionary of the Chinese Language, by the Rev. R. Morrison, D.D., *sub voce* 天.

⁶ A Tonic Dictionary of the Chinese Language in the Canton dialect, by S. Wells Williams, *sub voce* T'in, p. 520.

ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ
ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ ᠤᠨ ᠤᠯᠤᠰ

literally: "I THE EMPEROR, reverentially Heaven's Dominion or Empire (sign of accus.) having received, Inner and Outer (Lands) comprehending (sign of accus.), one household constituting." *ᠤᠯᠤᠰ* commonly, in reference to the Emperor, used for 旨, is here employed in the same sense as 命; while the particle *ᠤᠨ* "a kind of reflex possessive termination, forming nouns, of which the primary word expresses an attribute,"¹ added to the "Inner and Outer Lands," designates them as appertaining to, or comprehended in, "Heaven's Empire or Dominion." It can, therefore, admit of no doubt but that, although somewhat softening the extreme terseness of the original, ours is a faithful and literal version of the Chinese text. Mr. Brown, on the contrary, translates: "In virtue of the Commission, (which) we have with reverence received from Heaven, and as China and Foreign nations are members of one family." But, in order to produce this sense, there have been *arbitrarily added* to the text, composed of nine characters, the following ten words: "*In virtue of...*[which]...*and as* [i. e. because, or considering that] ...*nations are members of.*" Further, the meaning "Commission" has been assigned to 命, which it does not bear, and in connection with 天 or 天子 is simply preposterous. The Chinese notion of "the Central and Outer (World)," constituting the Ching Empire Universal, is perverted into the Western idea of ("China" for which Mr. Brown should, consistently, have written) "Chinese" and Foreign Nations, politically independent of each other. The grand Chinese conception of the World forming but "one household," absolutely subject to the Ching Emperor, is metamorphosed

¹ A. Wylie, Translation of the T'ing Wan K'e Mung, a Chinese Grammar of the Manchu-Tartar Language, with introductory Notes on Manchu Literature. Shanghai, 1858, 8vo., p. lx.

² See above, 48, p. 90, the passages cited from Prince Kang's Essays.

³ 皇經堯典, Dr. Legge's edition, p. 17.

into the sickly, philanthropical reflection, that barbarians and celestials are "members of one family;" for which purpose, moreover, we find the idea of *the human race* substituted for that of *the World*. "I THE EMPEROR," the one Ruler of the Universe, is dissolved into the feeble "We," and from its proud and commanding eminence, at the head of the Letter of Credence, removed to a humble and obscure position in the suffering quasi-official syntax. Finally, the logic, imputed by Mr. Brown to the Great Exalted Monarch and Highpriest of the Universe, the sublime "Commission," with which he has been charged by Heaven, consists in "*being cordially desirous* (to place on a firm and lasting basis)" etc.; a secondary inducement to act up to that Divine Commission, arising from His Majesty's benign consideration that, savages though we Foreigners be, we belong after all to the same *human stock*. Can such a rendering be possibly ascribed to ignorance? Its object and design, too clumsily attained, are transparent.

60. *Unification of the Principalities*.—Whilst the great charge, with which Heaven is said to have entrusted his Son, is "to keep in subjection, and rule, the World,"² the method adopted to this end is: 協和萬邦, "uniting in harmonious obedience the ten thousand Principalities,"³ which constitute the one Empire Universal. Ever since the days of Yáo, this has been the great political problem of the occupants of the Terrestrial Throne; and we see from the Hon. Mr. Burlingame's Letters of Credence, that it continues as much as ever to engage the solicitude of the present "Representative of God on Earth." 和好 is but an intensified term for 和, which Dr. Legge correctly renders: "to harmonise, = to unite, = to be obedient,"⁴ the effect of which is, 若保赤子惟民其康乂, "to make the people, watched over like infants, quiet and orderly."⁵ In a political sense, however, it is perhaps most faithfully expressed by "the unification," in accordance with the language employed by the Hon. Mr. Burlingame, who, on more

⁴ Dr. Legge in Index iii of his edition of the Chinese Classics, vol. iii, p. 660.—和合二國 is said of two tributary States, proposing to combine for the purpose of obtaining the Empire (御製淵鑒類函, Imperial Press, K'ang-Hsi 49, (1710) 450 books, 8vo., ch. cxlii, fol. 19, b).

⁵ 書經, 康誥, Dr. Legge's edition, p. 389.

than one occasion and in allusion to the objects of his mission, has spoken, generally, of "the unification of the whole human race." The Letters of Credence refer, especially, to the durable and effectual "unification", or the more firmly cementing the existing political union—like the union of Scotland and Ireland with England—of those 友邦, to whose feudal Princes the Mission is sent, with the ruling House-hold State, 國家, of the one Monarch of the World. This is the main object of the Mission; to impress the Western Potentates with the necessity as well as the expediency of conducting themselves like good, quiet, submissive children, the charge entrusted to the eloquence of the Hon. Mr. Burlingame; and the prospect of a less restricted commercial intercourse with the Parent-State, the tempting reward, as the sequel shows, held out to the obedient. The union of the 友邦 is to be 永敦 "durable and effectual". Such is, certainly, the sense in which the phrase 眷念友邦永敦和好 is meant to be taken; but there hides a double meaning in it, which can escape no native, and will cause his lip to curl with a smile of satisfaction: for, a secondary meaning of 永 is "distant" as that of 敦 is "poor", "uncivilised"; and the sentence invites also the reading: "graciously taking into consideration the unification of My distant and barbarous 友邦". The choice of the characters and the structure of the phrase are manifestly not accidental. As to the meaning of 眷念, it is subject to no doubt: 念 signifying "to ponder over", "to reflect", "to consider"; "to take into consideration"; 眷 as an adverb "graciously", "benignly", in the sense in which favours are bestowed by Heaven and "the Son of Heaven". Applied to the latter, 眷 absolutely bears no other construction.¹ That the participle present is the mood, in which the sentence is to be taken, the Manchu text shows.

¹ Dr. Legge also (in Index iii of his edition of the Shu-King, p. 700) remarks: "We can in the Shoo always construe 眷 as an adverb—fondly, graciously". Dr. Williams (Tonic Dictionary, *sub voce* K'in) renders it: "graciously". Dr. Morrison (A Dictionary of the Chinese Language, *sub voce*) translates the phrase 皇天眷命: "imperial heaven's kind commission—to rule an empire"; 天眷: "the regard or love of heaven".

² A Dictionary of the Chinese Language, Shanghai, 1865, 8vo., *sub voce* 友.

³ In Index iii of his edition of the Shu-King, Hongkong, 1865, 8vo., p. 659.

61. The compound 友邦, one of the most important terms introduced into the Credentials, is a very uncommon expression, altogether foreign to modern Chinese literature. It has been revived from the Shu-King, in which it occurs four times, and has therefore to be interpreted in the sense, which it bears in that work. Before, however, we adduce the passages in question, it will be desirable to inquire into the meaning of each of the characters separately. Dr. Morrison writes: “友² From two *hands* joined. Of the same mind and disposition; to unite cordially; to blend their influence,—said of persons or things; to love as brothers; an *associate*; a *companion*; a *friend*; friendly: friendship”. Of the etymology, here suggested, we need only say that 又 signifies “again”, “moreover”; and that 有, “to have”, “to possess” is explained by Dr. Morrison: From the *left hand* and *moon*. To seize on the moon in an eclipse. [To possess, etc.]” Dr. Legge defines³: “A *friend*, *friends*; friendly; to be friendly; 弗友 not friendly=disobedient”. How “unfriendly” and “disobedient” came to be synonymous terms, the learned editor of the Shu-King does not state. Undoubtedly the fundamental meaning of 友 is “united”, “associated”; hence as a noun “an associate”, “a companion” “a satellite⁴”. Whether the feeling of *friendship*, in the higher and proper sense of the word, be known at all to the Chinese, is a question, which we are inclined to answer in the negative: *filial piety* constitutes with them so all-absorbing an element of the affections, and so engrossing a duty, as to leave no room for even “the love of brothers” to rise above the sentiment of good fellow-ship, or well-affectedness. Consequently, too, we find this sentiment never to interfere with the social relations of the Chinese. Between the elder brother 兄 and the younger brother 弟 there may exist 相友 “mutual good fellowship”: but it is subject to

⁴ Prince Kung, in his *Essays* (ch. ii, fol. 18, b) states: 堯有九佐舜有七友禹有五丞湯有三輔文有八虞武有十亂, “Yao had nine assisting ministers (called 佐); Shun had seven assisting ministers (called 友); Yu had five assisting ministers (called 丞); T'ang had three assisting ministers (called 輔); Wên had eight assisting ministers (called 虞); and Wu had ten assisting ministers (called 亂). Manifestly the meaning of 友, here too, is not that of “a friend”, but of “a satellite”, i.e. a subordinate or dependent associate in the Government.

the respect and obedience due from the younger to the elder brother¹; so that, generally, between persons of different rank and position, their good understanding, 友, involves condescension on one part, deference or obedience on the other²; and hence, whenever they are 弗友 "disunited", or whenever there exists "disunion", there is also want of deference or obedience on the part of the inferior. In a political sense, therefore, 友, applied by the Sovereign to the condition of the people, a feudal Principality, or a Province, assumes the meaning of "order", well-affectedness, or "loyalty"; 弗友 that of "disorder", "disaffection", "sedition". Thus in the Shu-King we find three methods of government recommended: 平康正直彊弗友剛克變友柔克, "In times of peace and tranquillity a normal administration; in times of riot and disorder (or sedition) a strong rule; in times of harmony and well-affectedness (or loyalty) a mild one"³. Thus, in the Hon. Mr. Burlingame's Letter of Credence the expression 友邦 signifies "a well-affected" or "a loyal 邦".

62. Dr. Morrison interprets⁴: "邦 *Pang*, a state, or nation; —commonly applied to smaller states. 邦家 *Pang Kēa*, the family that presides over a nation; and the nation, which the prince considers his family. 邦國 *Pang Kwō*, a state or nation, a smaller and larger nation; nations, generally". Meadows has⁵: "邦 a country, a state, 邦國 a kingdom; the former refers to a larger and the latter to a smaller kingdom; 邦家 the nation". Nearly all this is positively erroneous. 邦, in Chinese literature, fundamentally and almost invariably, signifies "a feudal state", "a principality", or "a province" of the Empire Universal of the Earth, governed by "the One Solitary Man" (54); 邦家, in the

¹ See f.i. 書經, 康誥, Dr. Legge's edition, pp. 392—3.

² Thus 君陳, the successor of the Duke of Chow, is much praised by his Sovereign for being 孝友于兄弟, "filial, and well-affected towards both his elder and his younger brothers" (Shu-King, Dr. Legge's edition, p. 535).

³ 書經, 洪範, Dr. Legge's edition, p. 333.

⁴ A Dictionary of the Chinese Language, *sub voce* 邦.

⁵ As quoted by Mr. Alabaster in Notes and Queries, vol. iii, p. 168.—We have the Dictionaries of Meadows, De Guignes, and Dr. Williams not before us to refer to.

⁶ Dr. Legge, in Index iii of his edition of the Shu-King, p. 724.

singular case, the family-principality or territory of the latter; in the plural, as also 邦國, the feudal Empire Universal itself. In accordance with this view, already De Guignes and Dr. Williams defined 邦, both of them correctly, the former as: "Regnum feudum, regnum minus, terra alicui in feudum commissa seu concessa"⁵; the latter as: "A feudal state, a fief, a principality, a dependent state"⁵. Yet Dr. Legge explains 邦 again: "A State, a country. *Passim*. 有邦 the possessors or princes of States. 中邦, the middle region, probably denotes the empire proper, the three interior domains of Yu. 邦 alone is sometimes = empire or dynasty. In (a certain passage) 邦 must denote specially the imperial domain. In (another passage) we cannot account for the character. 五邦 is better understood as *five different regions*, than *five States*. 家 and 邦 the Clan or Family and State, are often in contrast"⁶. In all passages of the Shu-King, in which Dr. Legge translates 邦: "a State" and "a country", it signifies "a feudal State" or "a Principality" of the Chinese Monarchy; the term, in the latter case, having to be taken in the plural or collective form. We shall examine them presently. On comparing the passage 庶士交正底慎財賦咸則三壤成賦 中邦, "the different territories were compared for the purpose of carefully adjusting the taxes in conformity with their capabilities, and thus, having regard to the three different qualities of the soil, the taxes were assessed to the mean (quality of soil of each) principality"⁷, with the passage 厥田惟中上厥賦錯上中, "its fields—the province of Yu-Chow is here spoken of—were above the middle class, and its contributions partly of the best, partly of the middle quality"⁸: it is plain that the meaning of 中邦 in the

⁷ 書經, 禹貢下, Dr. Legge's edition, p. 141. The editor translates: "the different parts of the country were subjected to an exact comparison, so that contribution of revenue could be carefully adjusted according to their resources. The fields were all classified with reference to the three characters of the soil; and the revenues for the Middle region were established". Dr. Legge, in erroneously rendering 中邦 "the Middle region" = "the Empire", is compelled to render also 賦 or "taxes", here "contributions in kind", erroneously as "revenues for".

⁸ 書經, 禹貢上, Dr. Legge's edition, p. 117. His version is: "Its fields were the highest of the middle class; its contribution was the average of the highest class, with a proportion of the very highest". The inconsistencies, involved in this

former sentence has been mistaken by Dr. Legge; as it has been by Mr. Arendt, who commits the twofold error of identifying 中邦 with 中國 "the Central State" i.e. China, and confounding "the Central State" with the Chinese Empire Universal¹.) The passage, in which the former sinologue considers that 邦 must denote specially "the Imperial Domain", reads thus: 丁未祀于周廟邦甸侯衛駿奔走執豆籩, on the forty-fourth day of the sexagesimal cycle he (the Duke of Chow) sacrificed in the family-temple, the feudal chiefs, barons, earls and lords, stately and busily carrying about the vessels and baskets². 邦 stands here, as often, generically for 邦君 or 邦伯, whether preceding or following the designation of their special rank³, which, as regards the 甸 and 衛 is doubtful. Dr. Legge has altogether misapprehended the sense of this passage. The difficulty, which he has in accounting for the character 邦 in the sentence 侯甸男邦采衛百工播民和, "the feudal lords of the 'Ho, Teen, and Nan Principalities, and all the officials of the Ts'y and Wei Domains, stimulating this harmony of the people ...⁴", appears to us to arise solely from his erroneous interpunctuation, in placing a comma after

translation, show it to be erroneous. 中上 signifies not "the average of the highest class", but "above the middle class"; and 錯上中 does not mean "the average of the highest class with a proportion of the very highest", but "a mixture of the highest and the middle class", in conformity with the quality of the fields.

¹ "The Burlingame Credentials", in the North-China Herald for Nov. 30, 1869. Mr. Arendt writes: "In the Shu-King we even find the expression 中邦 *Chung-pang*, which is explained in the Standard Commentary of Ts'ai-shên in these words: 中邦中國也 *Chung-pang* means *Chung-kuo*. Legge, Shuking i, 191, translates this: the middle region" (comp. Dr. Legge's definition of 邦, above).

² 書經, 武成, Dr. Legge's edition, p. 309. He translates: "On the day Ting-we he sacrificed in the ancestral temple of Chow, when the chiefs of the imperial domain and of the Teen, How and Wei domains all hurried about, carrying the dishes". The only chief, whom the Imperial Domain could be said to have, is the Emperor himself.

³ 書經, 召誥, Dr. Legge's edition, p. 424: 侯甸男邦伯, where he translates: "the chiefs of the States from the How, Teen and Nan tenures"; p. 566: 庶邦侯甸男衛, which he renders: "ye princes of the various States, chiefs of the How, Nan, and Wei domains".

⁴ 書經, 康誥, Dr. Legge's edition, p. 381. His version, omitting 邦, is: From the How, Teen, Nan, Ts'ae, and Wei domains, the various officers stimulated this harmony of the people".

⁵ 書經, 盤庚上, Dr. Legge's edition, p. 222: 先王有服. 恪謹天命.

衛 instead of after 邦, here again = 邦君. The same remark applies to the passage, in which he would translate 五邦 "five different regions" rather than "five States". He has failed to seize its true import; the argument of 盤庚, in proposing to remove his capital to Yin, being that 不常厥邑于今五邦, "they ought not to remain in this city, which at the very present commands but five Principalities⁵", and that the loss of the Empire must needs be the result of a prolonged stay. It is quite true that 家 "a household" or "a clan" and 邦 "a (feudal) State" i.e. a Principality are often in contrast; but so are, as we shall presently see, 邦 "a Principality" and 邦國 "the Empire."

63. Of the two passages, especially adduced by Dr. Legge, in support of his opinion that "邦 alone is sometimes = empire or dynasty", the former reads: 汝永念則有固命厥亂明我新造邦; "keep you this always in mind: then shall we have a securely established Empire, and its peaceful prosperity will shed lustre on our newly founded Principality."⁶ Whenever an Emperor of the Feudal Empire speaks of his 邦, it need hardly be remarked, that it is to be taken in the sense of the central Princi-

茲猶不常寧. 不常厥邑. 于今五邦, which he renders: "When the former kings had any business, they reverently obeyed the commands of Heaven. In a case like this especially they did not indulge a constant repose,—they did not abide ever in the same city. Up to this time the Capital has been in five regions". He has to admit himself that "there is some difficulty in making out the five capitals". The truth is, that the text says not a word of them; and that the interpolated sentence "the capital has been in" is unjustifiable. Dr. Legge's versions abound in such interpolations. A full stop should be placed after 命 and 邦; the comma after 邑 be omitted; and the second sentence be referred, not, as Dr. Legge does, to "the former kings", but to the king who speaks, and those whom he addresses. Chinese commentators, as a rule, are but poor critics; and it seems to us, that the learned Editor of the Chinese Classics trusts somewhat too much to them, instead of trusting to his own better judgment.

⁶ 書經, 君奭, Dr. Legge's edition, p. 480. He translates: "Think you of the distant future, and we shall have the decree in favour of Chow made sure, and its good government will be brilliantly displayed in our new-founded State". It is an inconsistency on his part to render 邦 here "State", instead of either "Empire" or "Dynasty", in conformity with his reference. He remarks: "永念—'think of the distant future'. This is better than to take the terms simply = 'always think of this'". We doubt that 永 will bear the construction of "the distant future". 今, which Dr. Legge joins to our sentence, evidently closes the preceding one.

pality, as the Family-Principality of the reigning dynasty, = 邦家, and the seat of the Government. The 周邦 or Family-Principality of the Chow is here in question. It had then been newly founded¹; was small²; and at an early period of its elevation, when the house of Yin was still, in troublous times, attempting to regain its ascendancy, 殷...曰子復反鄙我周邦, "Yin declares," as stated by the Young Emperor Wu, "that he will once more reduce my Chow-Principality to a border-fief:"³ which fully bears us out in our view." The second passage, referred to by Dr. Legge, reads: [立]冢宰掌邦治統百官均四海司徒掌邦教敷五典擾兆民宗伯掌邦禮治神人和上下司馬掌邦政統六師平邦國司寇掌邦禁詰姦慝刑暴亂司空掌邦土居四民地利, "[I appoint] the First Lord President of the Government⁴, who will provide for the uniformity of the public service and the equal administration of the Empire; the Minister of Education, who will have charge of public instruction⁵, inculcating the five moral laws and training the people to obedience; the High Lord of the Temple-Service, who will have charge of public rites and ceremonies⁶, controlling the spirits, and harmonising Heaven and Earth; the Master of the Horse, who will have charge of the tributary affairs of the Principalities, commanding the six armies, and maintaining tranquillity and order throughout the Empire; the Minister of Crime,

¹ Compare Dr. Legge's annotations upon the Shu-King, in his edition, p. 281.

² 書經, 大誥, Dr. Legge's edition, p. 369; where the Emperor speaks of 我小邦周, "our small Principality of Chow". This excludes every other construction.

³ *Ibid.*, p. 366. Dr. Legge's version is: "Yin...says—'I will recover my patrimony'; and so he wishes to make our State of Chow a border territory again".

⁴ Literally: "the governing of the Principalities".

⁵ Literally: "the teaching of the Principalities", or ("Fendal-)State-teaching".

⁶ Literally: "State-rites and ceremonies", or "the rites of the (various) Principalities".

⁷ 書經, 周官, Dr. Legge's edition, pp. 528—530. Dr. Legge's version reads: "I appoint the prime minister, who presides over the ruling of the empire, has the general management of all other officers, and secures an uniformity throughout all within the four seas: the minister of Instruction, who presides over the education of the empire, inculcates the duties attaching to the five relations of society, and trains to obedience the people: the minister of religion, who presides over the ceremonies of the

who will have charge of the penal administration of the Principalities, searching out the evil doers and the wicked, and punishing the lawless and the turbulent; the Minister of Works, who will have charge of the lands and soils of the Principalities, settling the four classes of the people, the seasons, and the produce of the Earth". It is perfectly obvious, from this passage, that 邦, which in the plural case occurs in it no less than six times, has invariably the signification of "Principalities" = 庶邦, "the various single Principalities" subject to the Central Government; because they are, as such, twice contrasted with "the Empire" as a Commonwealth, once under the designation of 四海, and a second time under that of 邦國. Nothing, grammatically speaking, can be more plain. Yet, with a degree of inconsistency, which is almost unaccountable, Dr. Legge not only translates 邦: "the empire"; but, having thus mistranslated this term, further mistranslates 邦國: "all the [single] States", and 四海: "all within the four seas". An equally, if not more, patent error,—though, like the former, endorsed by Mr. Arendt,—Dr. Legge commits in rendering 邦 "the Empire", in the passage: 肆中宗之享國七十有五年...高宗...嘉靖殷邦至于小大無時或怨肆高宗之享國五十有九年, "Thus Chung-Tsung enjoyed⁸ the Empire (國) for seventy-five years... Káu-Tsung successfully and tranquilly governed the Yin Principalities, (邦), great and small, without one single complaint. He thus enjoyed the Empire (國)

empire, attends to the service of the spirits and manes, and makes a harmony between high and low; the minister of War, who presides over the *military* administration of the empire, commands the Six hosts, and secures the tranquillity of all the States: the minister of Crime, who presides over the prohibitions of the empire, searches out the villainous and secretly wicked, and punishes oppressors and disturbers of the peace: and the minister of Works, who presides over the land of the empire, settles the four classes of the people, and regulates the seasons for obtaining the advantages of the ground". Adopting the views of Dr. Legge, Mr. Arendt also (the North-China Herald for Nov. 30, 1869) observes: "The word *pang* alone has in the Shu-King and Chou-Li very frequently the signification Empire, as...我新造邦 our new-founded State (Legge ii, 480, § 10)...and above all Legge ii, 528—30, § 7—12, where, in giving a general outline of the official system of the Chow dynasty, the author employs six times the word 邦 *pang*, and once the phrase *pang-kuo*, and where *pang* cannot possibly have any other meaning but the Empire".

⁸ Literally: "had the tribute-benefit of".

for fifty-nine years".¹ Dr. Legge translates here 國 "the throne", but only so because he translates 邦 "the Empire". 國 is = 大周邦國 "the Great Feudal Empire of the Chow". That 邦 = 庶邦, "signifies "the (various) Principalities" of the Yin, and cannot possibly mean "the Empire", is proved not only by 國 being placed in contrast with the term, but, and obviously so, moreover, by the adjective: 小大, "both the small and the great ones". Another passage, in which Dr. Legge renders 邦 "the empire", reads: 王曰嗚呼父師邦之安危惟茲殷士, "The Emperor said: "Oh, Grand-Tutor! the tranquillity or disturbance of the Principalities depends on these Yin literati".² Dr. Legge's version is "...the security or the danger of the empire depends on these officers of Yin"; but the context shows, that no apprehension of danger to the Empire was then entertained by the Emperor K'ang: all he alludes to are disturbances in one or another of the Principalities, i.e. provincial agitation in favour of the previous dynasty. The last passage, in which we find 邦 rendered "the empire" by Dr. Legge, relates to the successor of the deceased Emperor Chêng being called upon 臨君周邦率循大卞變和天下, "to assume, from on high, the government of the Chow Principalities, upholding the fundamental laws, and the harmony and union of the Empire Universal".³ And here again the contrast, in which 邦 is placed with 天下, proves that the former

¹ 書經, 無逸, Dr. Legge's edition; pp. 466—7. He translates: "It was thus that Chung-tsung enjoyed the throne for seventy and five years...Kaou-tsung... admirably and tranquilly presided over the empire of Yin, till in all its States, great and small, there was not a single murmur. It was thus that Kaou-tsung enjoyed the throne for fifty and nine years". Comp. the North-China Herald for Nov. 30, 1869.

² 書經, 畢命, Dr. Legge's edition, p. 576. We may as well explain the meaning of 命 here. Five more books of the Shu-King are entitled: 說命, 微子之命, 蔡仲之命, 罔命, and 文侯之命, respectively. Contrary to every rule of Chinese grammar, Dr. Legge translates: "the charge to the duke of Peih"; "the charge to Yue"; "the charge to the Viscount of Wei";..... "the charge to Prince Wan". The contents of the books here in question relate to the investiture, by or in the name of the Emperor, of meritorious servants of the Crown with high offices or feudal territories, 邦. In the case of 蔡 this is clearly stated. According to Dr. Legge's version (p. 487) we read: "The son of the Prince of Ts'ao being able to display a reverent virtue, the duke of Chow made him a high noble, and when his father died, requested a decree from the King, investing him with the

term, = 小大庶邦⁴ = 萬邦, signifies "the (various) single Principalities (great and small)" or "the (ten-thousand) single Principalities", of which the Empire, 天下 or 四海, as one great Commonwealth, is composed.

64. There are a number of passages of the Shu-King, in which Dr. Legge sees reason to translate 邦 "the country", in the sense of the Empire at large. One of these, on which Mr. Arendt also appears to lay stress, reads: 若昔大猷制治于未亂保邦于未危...庶政惟和萬國咸寧, "In olden times the great plan was so to conduct the Government as to have no sedition; and so to protect the feudalities (邦) as to have no disorder...Thus the various tributary States went on harmoniously, and the Empire enjoyed peace".⁵ 庶政 = 庶政國 "the various single tributary States" correspond here to (庶邦) "the (various) single Principalities", and are placed in contrast with 萬國 "the (whole of the) ten-thousand States" i.e. the Empire. Dr. Legge has altogether misapprehended the sense of the passage⁶. Again we read: 天毒降災荒殷邦, "the wrath of Heaven is sending down calamities to involve in ruin the Principality of Yin".⁷ We have manifestly to take 邦 here in the sense of the Central or Ruling State, in which *we* would say "the House", 家, instead of "the Principality". Indeed, this is clearly proved by another, and remarkable, passage, which runs thus: 天既遐

country (邦) of Ts'ao". Ts'ao was no "country" in our acceptance of the word, but a small feudal "Principality".

³ 書經, 顧命, Dr. Legge's edition, p. 558. He translates: "to take the rule of the empire of Chow, complying with the great laws, and securing the harmony of the empire". The pregnant verb of the sentence is 率循 = "to act up to, to uphold". 彛 = harmony, 孚 = union.

⁴ 書經, 顧命, Dr. Legge's edition, p. 548.

⁵ 書經, 周官, Dr. Legge's edition, pp. 525—6.

⁶ Dr. Legge's version is: "It was the grand method of former times to regulate the government while there was no confusion, and to secure the country while there was no danger...Thus the various departments of government went on harmoniously, and the myriad States all enjoyed repose". 于, taken = "while", "during the time that", gives here no sense; nor does it ever bear such a meaning. It signifies in this place, as it often does, "to the end of".

⁷ 書經, 微子, Dr. Legge's edition, p. 276. He translates: "Heaven in anger is sending down calamities, and wasting the country [Arendt: the Empire] of Yin".

終大邦殷之命茲殷多先哲王在天, "When Heaven made a long-deferred end of the Empire of the great Principality of Yin, there were many of the former wise Sovereigns of the Yin (dynasty) in heaven".¹ The young Emperor 太甲 is told by his minister 伊尹: 一人元良萬邦以貞君罔以辯言亂舊政臣罔以寵利居成功邦其永孚于休, "When the One Man (the Emperor) is pre-eminently good, the (ten thousand Principalities *i.e.* the whole) Empire will be moral; when the feudal lord does not vexatiously dispute the ancient customs of tributary labor, and the subject does not, be it from loyal feeling or for the sake of profit, abstain from completing his work, the Principality will enjoy lasting repose".² Here again 邦 "a (single) Principality is placed in contrast with 萬邦 "the ten-thousand Principalities", *i.e.* the (whole) Empire; as 一人, "the Monarch", is with 君, "the feudal lord", and the latter with 臣, "the subject". Dr. Legge, who translates 邦 "the country"; has altogether failed to seize the true meaning of this passage; and makes of its concluding portion a new chapter, translates it thus: CH. II...Let the one man be greatly good, and the myriad regions will be rectified by him. CH. III. When the sovereign will not with disputatious words throw the old rules of government into confusion, and the minister will not for favor and gain continue in an office whose work is done;—then the country will lastingly and surely enjoy happiness". In the latter words, CH. III, he remarks, "E Yin expresses his hope that the Emperor will hold on in the imitation of T'ang, and intimates his own intention to withdraw from public life". The text knows nothing of all this. It would lead us too far, neither do we consider it necessary, to criticise every single passage, in which the learned editor of the Chinese Classics erroneously translates the term 邦: "the empire", "the

¹ 書經康王之誥, Dr. Legge's edition, p. 426. He renders the passage: "When Heaven rejected and made an end of the decree in favour of the great State of Yin, there were many of the former intelligent kings of Yin in heaven".

² 書經, 太甲下, Dr. Legge's edition, pp. 211—2.

³ Mr. Arendt (North-China Herald for Nov. 30, 1869,) remarks: "In many passages of the Shuking the word *pang* certainly relates to minor states, so for instance in the frequent phrase 有邦 *yu-pang* (Legge II, 724 b, sub. *pang*) which, according

country", or "region", whilst, in numerous other instances, correctly rendering it: "State" in the feudal sense of the word. That such, indeed, is its true and only meaning, we will now, in addition to the proofs already adduced, endeavour to show by some further illustrations.

65. The common names, by which the Chinese designate their Empire Universal, are 天下, "the Earth" or "the World"; 四方 "the four quarters of the globe"; 四海內外 "the lands within and without (beyond) the Four Seas", or more familiarly 四海 "the Four Seas"; 中外國 "the Central and the Outer States", or, in more familiar language, simply 中外 "the Central and the Outer"; 萬邦 "the ten-thousand Principalities"; 萬國 "the ten-thousand States"; and 萬民, "the ten-thousand peoples": 萬 being a numerical term for "the aggregate of", or "the whole of", the objects, to which it is prefixed, in actual existence. Manifestly, therefore, 邦, in the combination 萬邦, can only signify some integral division of the Chinese Empire, identical with 國 in its wider sense"; that is to say "a feudal or tributary State", "a dependent Principality", "a Province", whether great or small. During the feudal system, we find these divisions, as distinguished from the Imperial Household-Domain, 王畿, termed generally 侯邦, "the Domains of the Nobility", and divided, as we have seen, into 侯邦 proper or "Earldoms", 男邦, "Baronies", etc. The nobles, invested with these territories, were generally named 邦君 "feudal lords" or 有邦, "holders of fiefs".³ The subsequently powerful dynasty of Chow sprang from a new and small investiture. 先王建邦啟土, "Our Royal predecessor", the Emperor Wu narrates, "founded our Principality, and commenced our territory".⁴ But, as E Yin tells us: 始于家邦 終于四海, "the beginning is the family-principality, the end

to T'sai-shên's Commentary, means Chu-hôu, a *prince* ruling over one of the minor states forming the Empire. These words (有邦) are explained by 有國者 *yu-kwo-chê* in An-kwo's Commentary (Legge I, 73 Notes), and in one passage of the Shuking (Legge II, 601 § 14), some editions of the Shuking read in the text 有國 *yu-kwo* instead of 有邦 *yu-pang*".

⁴ 書經, 武成, Dr. Legge's edition, p. 311. He translates erroneously: "The first of our kings founded the State, and commenced our territory". 先王 is literally

is the Empire".¹ And Wên, distinguishing himself by his virtues and his justice, 用肇造我區夏越我一二邦以修我西土 "thus laid the foundation of our petty Hsiá, extending it, our couple of Principalities, by his culture to our (present) Western Possessions".² In accordance with this, Wu relates on another occasion: 乃穆考文王肇國在西土厥誥庶邦庶土越少正御事, "When Our Father of sacred memory, the Emperor Wên, had founded the Empire in Our Western Possessions, he issued this proclamation for due observance by the lords of the various Principalities, the officials of high and low degree, and the public servants",³... 邦 stands here, as not unfrequently in a similar connection, for 邦君. The latter, however, is the usual form. Thus we read: 民不靜亦惟在王宮邦君室, "the people not living in peace and harmony has its source in the palace of the Emperor and the mansions of (the nobility, literally :) the feudal lords".⁴ The Emperor, 王, is poetically also named 萬邦之君, "the Lord of the ten-thousand Principalities"⁵ i. e. of the Empire Universal, in contrast with 邦君 "the feudal lord", or "the lord of a (single) Principality". Hence the Emperor, being the Lord of the feudal lords, issues to them, as we have seen his proclamations and commands; and usually

"the preceding king", namely Wên, the father of Wu, who speaks. 邦 is not "the State" i. e. the Empire, but the original family-domain of the Chow, as the context and the sequel show.

¹ 書經, 伊訓, Dr. Legge's edition, p. 195. He again erroneously translates: "The commencement is in the Family and State; the consummation is in the Empire". 家邦 = 家國, as frequently = 國家, is "the family-domain or principality", here, moreover, placed in contrast with 四海.

² 書經, 康誥, Dr. Legge's edition, pp. 383—5. Once more, the learned editor has misapprehended the meaning of the text. His version is: "It was thus he laid the first beginnings of the sway of our small portion of the Empire, and the one or two neighbouring countries were brought under his improving influence, until throughout our western regions [all placed in him their confidence]".

³ 書經, 酒誥, Dr. Legge's edition, p. 399. He renders the passage: "When your reverent father, the King Wên, laid the foundations of our kingdom in the western regions, he delivered announcements and cautions to the princes of the various States, all the high officers, with their assistants, and the managers of affairs"...

⁴ 書經, 矢誥, Dr. Legge's edition, p. 368. He translates: "and that the people are not still has its source really in the king's palace, and in the mansions of

addresses them on the same terms, as he does the officials and public servants of the State generally: now, 爾多邦越爾御事, "ye, lords of the multitudinous Principalities, and ye, my men of business!"⁶; at another time, 爾庶邦君越庶御事, "ye, lords of the various feudal States, and ye, public servants of different classes!"⁷; or, 嗚呼邦伯師長百執事之人, "oh, ye noble Chiefs of my Principalities, ye high officials, and all ye people, employed in the public service!"⁸ In this style, 王其效邦君越御事, "the Emperors charged their feudal lords and public servants",⁹ more generally with a view to the unifying, and upholding the peaceful repose of the Empire. Thus, the dying Emperor Chêng enjoins his minister, 安勸小大庶邦, "to promote the tranquillity of the various feudal States, great and small";¹⁰ and the Emperor P'ing commands his uncle: 父義和其歸視爾師寧爾邦, "Uncle E-Ho, return home, inspect your army, and tranquillize your Principality".¹¹ And not only did these feudal lords, 邦君, receive their investiture from the Emperor, 一生魄庶邦冢君暨百工受命于周, "on the new moon, the great lords of the various feudal States and the officials generally received their investitures and their appointments from Chow"¹²—; they had, moreover, to pay tribute

those princes of the *troubled State*". The words, italicised by Dr. Legge, indicate that no corresponding term is contained in the Chinese text.

⁵ 書經, 五子之歌, Dr. Legge's edition, p. 160.

⁶ 書經, 大誥, *Ibid*, p. 362.

⁷ 書經, 大誥, *Ibid*, p. 367.

⁸ 書經, 盤庚下, *Ibid*, p. 244.

⁹ 書經, 梓堂, *Ibid*, p. 416.

¹⁰ 書經, 顧命, *Ibid*, p. 548.

¹¹ 書經, 文侯之命, Dr. Legge's edition, p. 618.

¹² 書經, 武成, Dr. Legge's edition, p. 310. Dr. Legge translates: "After the moon began to wane, the hereditary princes of the various States, and all the officers, received their appointments from Chow". We are acquainted with no passage, in which 冢 occurs in the sense of "hereditary". As a historical fact, the feudal Principalities of China were not so. 生魄 is not the full moon on the wane, but the new moon; as 生明, which Dr. Legge (p. 308) renders, with 哉 preceding, "at the first appearance of the moon", is not the (first phase of the) new moon, but the full moon. 哉 = "on".

to their Sovereign. Thus we read, that from all the various Principalities, 庶邦, tribute offerings, 享, were brought¹; the Emperor Wén is praised, because 以庶邦惟正之供, "he accepted from the various feudal States only the due amount of tribute"²; and the articles of tribute, 貢, of 三邦, the three Principalities, 江漢, 九江, and 潛旣, of which the Province 荊州 consisted in the days of Yu the Great, are stated to have included gold, silver, copper, etc.³ 貢, 供, and 享 are, essentially, synonymous terms.

66. Since the feudal system has ceased to exist in China Proper and the term 國 has come into general use for the dependencies of the Central State as well as for that State itself, the expression 邦, except in the combination 萬邦 for "the Empire Universal", is rarely employed in Chinese literature. Occasionally, however, it is still met with, and, it need hardly be said, exclusively in the sense of "a Principality", "a Tributary State", or "a Province", forming an integral part of the Chinese Empire Universal. Thus in an interesting description of the Lu-Chu Islands by 徐葆光, who visited, as Imperial Messenger, that insular group in the reign of K'ang-Hsi, 以政事 "on tributary business", it is alternately designated as 蠻夷, "a southern savage and barbarian",⁴ 海邦 "maritime Principality",⁵ 海國 "maritime (dependent) State",⁶ 外邦 "Outer Dependency",⁷ 屬國 "Entailed or Tributary State",⁸ or simply 邦 "Principality" of the one Terrestrial Monarchy. Its ruler is styled 國王, "the Prince of the feudal State". He is graciously assured by the Emperor: 惟爾遠處海隅虔修職貢屬在冢嗣, "I have not forgotten your far-away district of marine bays,—loyal, regular in its

¹ 書經, 梓材, Dr. Legge's edition, p. 417.

² 書經, 無逸, Dr. Legge's edition, p. 469.

³ 書經, 禹貢上, Dr. Legge's edition, pp. 112—5.

⁴ 中山傳信錄, Peking, 1677, 3 vols. 8vo., Preface I, fol. 1, a. ⁵ *Ibid*, ch. iii, fol. 24, b; ch. iii, fol. 42, a etc.

⁶ *Ibid*, ch. ii, fol. 37 b. ⁷ *Ibid*, Preface II, fol. 1, a, ch. iii, fol. 6, a.

⁸ *Ibid*, Preface II, fol. 2, b. ⁹ *Ibid*, ch. ii, fol. 27, a.

¹⁰ *Ibid*, ch. iii, fol. 54, b. Much praise is bestowed on the Lu-Chu Principality for

tribute-offerings, an entail in Our great inheritance" ⁹; and 守此海邦代受王封, "I shall continue to guard and protect this maritime Principality, generations ago bestowed as a fief on its Princes" ¹⁰; being at the same time reminded that: 朕受天景命君臨萬邦, "I, THE EMPEROR, have received Heaven's own glorious power to rule from on high the ten-thousand Principalities" i.e. the whole World. ¹¹ The use of 邦 for "Province", f.i. Kuán-Tung, one of the present eighteen provinces of China Proper, by the Imperial Commissioner Lin, has been pointed out by Mr. Alabaster. "It appears", Lin states in a public Proclamation, "that Kuán-Tung has become a province, 邦, highly conspicuous for literature". ¹² A second instance is adduced by Mr. Mayers. He remarks: "The word (邦) is used in the above sense in the writings of a very fastidious modern writer Lan Ting-Yüan, who describing the province of Kwei-chow, observes: 黑爲邦居天下西—the province (*pang*) of Kwei-chow lies to the West of China" ¹³; the proper translation being: "Huéü is a province, situated in the western parts of the Empire". In addition to these, we have noticed a passage in the Introduction to the Atlas of the Ching Empire, previously referred to (48), where also 湖北, 'Hu-Peh, is called 是邦 "this Province". ¹⁴

67. Having thus shown, we venture to think in a conclusive manner, that, according to the universal usage of the Chinese tongue, on the terms 友 and 邦 being combined, they can have no other meaning, either in the Hon. Mr. Burlingame's Letter of Credence or elsewhere, save that of "loyal, faithful, or well-affected Principalities or Provinces", it only remains for us to compare with this result the few passages in the Shu-King, of all the classical

歲歲來貢 "annually coming to offer its tribute (Preface II, fol. 2, a; comp. ch. iii, fol. 8, b: 每年來貢.)

¹¹ *Ibid.*, ch. iii, fol. 42 a. (Page 130) *Ibid.*, ch. iii, fol. 53 b.

¹² Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 168. Mr. Shuck, who has translated the proclamation in question, renders 邦: "territory"; but, as this "territory" is the province Kuán-Tung, the rendering is no more appropriate, than it would be to call the English county, say, of Kent, the territory of Kent.

¹³ Notes and Queries on China and Japan, vol. iii. Hongkong, 1869, 8vo., p. 180.

¹⁴ 大清一統輿圖, Preface, fol. 2, a.

works of the Chinese the only one, in which the compound 友邦 actually occurs. In the first passage the Emperor Wu, having taken the field against the Yin, addresses his nobility and officers as follows: 嗟我友邦冢君越我御事庶士明聽誓, "Now, ye noble lords of my loyal Principalities, and ye, my officers of various degree, listen distinctly to my words!"¹ Soon afterwards the Emperor harangues them a second time thus: 逖矣西土之人嗟我友邦冢君御事司徒司馬司空亞旅師民千夫長百夫長及庸蜀羌髳微盧彭濮人稱爾戈比爾干立爾矛其誓, "Far are ye come, ye men of the Western lands! Now, ye noble lords of my well-affected Principalities, ye public servants, ministers of Instruction, War, and Works, leading men, and officials all; ye colonels and captains, and ye, soldiers of Yung, Shu, Keang, Máu, Wei, Lu, P'ang, and Pö: raise your lances, join your shields, lift up your spears,—I desire to address some words to you".² Again the Duke of Chow, in the name of the young Emperor Chêng, says: 肆予告我友邦君越尹氏庶士御事..., "aye, I tell you, ye lords of my faithful Principalities, ye heads of departments, ye various officials and public servants..."; and further on: 肆予大化誘我友邦君, "hence I am making such great efforts to persuade you, ye lords of my well-affected Principalities".³ Now, who were these 友邦君? They were 侯甸

¹ 書經, 泰誓上, Dr. Legge's edition, p. 281. He translates: "Ah! ye hereditary rulers of my friendly States, and all ye my officers, managers of my affairs, listen clearly to my declaration".

² 書經, 牧誓, Dr. Legge's edition, p. 301. His version is: "Far are ye come, ye men of the western regions! Ah! ye hereditary rulers of my friendly States; ye managers of affairs, the ministers of instruction, of war, and of public works: the many officers subordinate to them: the master of my body-guards: the captains of thousands, and captains of hundreds: and ye, O men of Yung, Shuh, Keang, Maou, Wei, Loo, P'ang, and Pö;—lift up your lances, join your shields, raise your spears:—I have a speech to make". Respecting 冢 = "hereditary", see note 12 to page 129, above. As the 邦 are qualified by the Emperor, according to Dr. Legge, as "*his* (friendly) [feudal] States", the expression "friendly" for 友 inappropriate though it be, necessarily assumes the meaning of "loyal" "well-affected", in this connection.

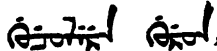
³ 書經, 大誥, Dr. Legge's edition, pp. 367, 370. In both places, 友邦君 is rendered: "the princes of my friendly States".

男邦伯, according to Dr. Legge's translation, those "chiefs of the States from the How, Teen, and Nan tenures", or those "various princes and high nobles",⁴ whom, after the successful completion of the war, we find assembled before the young Emperor Chêng's great minister, the Duke of Chow, at Ló, the new capital of the Empire. Here, we read, after certain preliminaries: 太保乃以庶邦冢君出取幣乃復入錫周公曰拜手稽首旅王若公, "the Great-Guardian [the Duke of Shán] went out with the noble lords of the various Principalities to bring in their tribute-offerings, and, on re-entering, he presented them to the Duke of Chow, and said: saluting and bowing my head to the ground, I offer this tribute to the Emperor, as though he were present in Your Grace".⁵ They are still the same nobles who, when the Duke of Chow had a sacrifice performed at the Temple to the Chow Ancestry, as we have seen, "all", according to Dr. Legge's translation, "hurried about carrying the dishes". It appears to us, therefore, rationally undeniable that the 邦君, or feudal lords, here in question, were *vassals* of the Emperor of China; that their Principalities, 邦, were *tributary States*, held by them as fiefs at the will and pleasure of "the One Sovereign-Lord of the World"; and that the term 我友邦君, applied by the Emperors Wu and Chêng to certain Chinese chiefs, signifies: "ye lords of My loyal or well-affected Principalities", and can possibly signify nothing else. Both Sovereigns⁶ call them explicitly "their

⁴ 書經, 召誥, Dr. Legge's edition, p. 424.

⁵ *Ibid.*, pp. 424—5. The sentence 旅王若公 has given much trouble to Chinese commentators. Dr. Legge is unable to solve the difficulty. He translates: "before the King and Your Grace". There is no evidence whatever to support the assumption of the Emperor's presence. The passage seems to us to convey a high, yet delicate compliment to the Duke of Chow, and is to be construed in the double sense of "the Duke displaying (i.e. representing) the Emperor", and "the Emperor as though he were displayed in the Duke".

⁶ As a specimen of puerile argumentation, and presumptuous superficiality, we subjoin what Mr. Arndt (North-China Herald for Nov. 30, 1869) observes respecting the term 友邦. "The origin of the expression 友邦 *Yu-pang* in the Burlingame Credentials", he writes, "may be traced to a combination of characters occurring three or four times at least in the Shuking, in the speeches of King Wu, when, before beginning his operations against the then ruling dynasty, he addresses his allies the confederate princes (Legge Shuking II, 300 Notes) in the terms: 我友邦冢君 *Wo yu-pang chung-chün* Ye hereditary rulers of my friendly states (Legge Shuking

(own) States" i.e. States, as integral portions of the Empire, subject to their (heaven-derived, absolute power of) dominion; and they justly qualify these States as "loyal", because they had proved their loyalty and well-affectedness towards the house of Chow, by rising in rebellion against the dynasty of Yin, and acknowledging Wu as Emperor of China: his son Chêng succeeding to the already established throne. It is, consequently, equally undeniable that, in the Hon. Mr. Burlingame's Letter of Credence, the expression 友邦 signifies, and only can signify "My loyal or well-affected Principalities", in the sense of feudal States, constituting integral portions of the Chinese Empire Universal, and tributary to the one "Great Exalted Monarch and Highpriest of the World". True that 友邦 is here not preceded by the personal pronoun 我; but the reason of this is simply, that the use has been abandoned generally, as incompatible with the Imperial pronoun 朕, "I, THE EMPEROR"; which, moreover, implies of itself, that "every corner of the habitable World", or, as Dr. Williams has it, that "the whole Earth is his property". , the Manchu

term, corresponding to 友邦, signifies literally "a satellite State"—the language possessing no distinctive expressions for 邦 and 國—i. e. simply "a dependency". Mr. Brown's translation: "the nations at amity with China", is utterly unjustifiable and imaginary. The words "with China" are not in the text; 友 is an adjective to

II, 281; II, 285; II, 301). In the explanation of this phrase given in the Daily explanation and quoted by Legge Shuking II, 283 (Notes) we find 邦 pang again exchanged with 國 kuo, and I may add that the colloquial phrase corresponding to 友邦 *Yu-pang* is 弟兄國 *Ti-hsiung-kuo* i.e. brother states". Mr. Arendt is in error in stating that the expression 友邦 occurs in the speeches of the Emperor Wu alone. He is in error also in rendering 弟兄國 "brother-states": the meaning being: "a State in the relation of a younger to an elder brother", i.e. according to Chinese notions: "a dependent State". Under any circumstances, "the colloquial phrase",—if such a phrase really exist for an expression, which occurs only four times in the classical literature of China, and which we must be permitted to doubt,—is of no value here. The colloquial and modern term for 友 is 朋友. Mr. Arendt further observes: "I have already traced the origin of the phrase '*Yu-pang*' to those passages in the Shuking, where Wu-wang addresses his allies. The standard commentary of Ts'ai-shên has there this note: 友邦. 親之也. i.e. 'By the words '*Yu-pang*' he [King Wu] expresses his affection towards them'. The Princes whom King Wu addressed in this way, were certainly only Chuk'ou's (Princes, then

邦, and does not convey a meaning negative of a state of war, but of a state of disaffection and disobedience; whilst the very idea of independent "nations" is unknown to the Chinese. Equally imaginary is the logic of his version; for, according to it, the Monarch of the World, in a fit of philanthropy, is seized with the extraordinary notion, that the glorious "Commission", entrusted to him by Heaven, is "to feel desirous of placing on a firm and lasting basis",—of which the text again knows nothing,—certain relations, which he states to be already "now existing",—on the basis of the Treaty of Tientsin,—with some "savage and barbarian tributary races" (52). Is, in the opinion of Mr. Brown and the approvers of his translation, the Emperor of China, perchance, a Sovereign of missionary tendencies and weak intellect?

68. *Members of the Mission.*—With the view alluded to,—the "harmonizing" his loyal Principalities,—the Emperor selects 賢能智士. The term 士 may here be taken in the sense of men generally, or of government employes generally, and be rendered either "men" or "public servants": they are the three persons composing the Mission. Mr. Brown, in spite of the fact, refers the phrase exclusively to the Hon. Mr. Burlingame, in which he is further and unquestionably proved to the wrong by the plural form of the Manchu text, and translates: "an officer of worth, talents, and wisdom." An "officer" is hardly an appropriate expression in this place. 能 does not mean "talented", but "able"; 智 not "wise"

in rebellion against the Yin-Dynasty,) but so was Wu-wang himself too at that time 武王是時尙爲諸侯. 'Wu-wang was still only a Chu-h'ou, Prince or Duke, at that time', and none of my readers, I think, will suppose that he intended to put a slight upon his confederates on the eve of battle by designating their states as minor dependencies; nor can we suppose that the composers of the Burlingame Credentials meant any harm in making use of the word 邦 Pang, as probably they never read Morrison's Dictionary and could not possibly be aware that European Sinologues, misled by that authority, had formed the idea Pang meant a minor state. The only reason why 'Yu-Pang' was written in the Credentials instead of 'Yu-kuo', is because the compilers of the Shuking many hundred years ago put this expression into King Wu's mouth, in consequence of which circumstance 'Yu-pang' has become a phrase familiar to each lettered Chinaman, whilst 'Yu-kuo' would sound new to his ear". Would not Mr. Arendt seem to have been drawn into the Imperial confidence? He once more, however, commits an error in rendering 友邦. 親之也: "By the word Yu-pang he [King Wu] expresses his affection towards them". The commentary simply says: "loyal, i.e. attached to". 親 means also: "what belongs to one, one's own" (Morrison's Dictionary *sub voce*).

—expect in the sense of cunning wisdom,—but “well-informed”, literally “knowing”, “smart”. The term, Dr. Morrison remarks, “occurs in a bad sense, for the skill and talent of a villain”. In order to support his construction of the Chinese text—a construction which the Manchu text utterly repudiates,—Mr. Brown is under the necessity of interpolating before the words “We have chosen”, or as he has it, “specially selected” a whole sentence, namely: *And as a proof of our genuine desire for that object*. The Hon. Mr. Burlingame is described as 前駐京合衆國使臣, which the quasi-official version renders: “late minister at Our Capital for the United States of America.” The words “Our”, and “of America”, are not in the text. 駐 does not mean “at”, but “to temporarily sojourn in”, in contradistinction to “residing in,” 住. The character is designedly written with 馬, instead of 人, to denote that the Foreign Ministers have only for the time being been permitted “to rest as at an inn”,¹ 京, not “at Our Capital,” but “in the Capital”, namely of the Ching Empire of the World. 合衆國, literally “the united multitudes (tributary) State” is a favorite designation of the United States of North-America by the Chinese Government. In the Atlas of the Ching Dominions, previously referred to, the star-spangled Republic is duly laid down as a not overgrown Chinese Principality or Province; and hence, also, its 使臣 to the Terrestrial Capital is, not a “Minister” in our sense of an Ambassador, as Mr. Brown translates, but simply “a public messenger”, 臣 signifying here, as generally, “servant”: 使 “to send a man to manage affairs”, “to send”, according to Dr. Morrison. All envoys from, and to, Tributary States are so styled, and in Chinese literature, official and unofficial, 使臣, 使, and 貢使 “tribute-bearing messengers” are interchangeable terms.² Hence also Baron Gros, Representative of France, and the colleague of Lord Elgin, was by the Chinese Imperial Com-

¹ Dr. Morrison (Dictionary of the Chinese Language; *sub voce*) interprets: “駐. To stop and rest one's horse; a temporary residence...駐足 [足 signifies ‘the foot’] to halt; to stop; to make a temporary stay”.

² Thus in the authoritative Handbook of the Board of Rites and Ceremonies (see above p. 98, Note 3) ch. cxxx, fol. 7, b, fol. 8, a, fol. 2, b, et saepe; in the Rites of

missioners Tsung and Wu, qualified as 使臣; upon which Dr. Williams remarks: "The character *Ché-tcheng* (使臣) although signifying "envoy of a nation"—this is an error on Dr. Williams' part,—“is however, an expression somewhat ignoble and ambiguous, as it also signifies a mere 'official messenger'”,—it signifies nothing else,—“a name given to the envoys of tributary countries”.³ The Hon. Mr. Burlingame is further described as thoroughly conversant with 中外情形, “the relations of the Central, i. e. the governing, State and the Outer, i. e. the entailed or tributary, States of the Chinese Empire Universal”; which Mr. Brown perverts into “Chinese and Foreign relations,” conveying to the Western reader an utterly erroneous impression. The native colleagues of the Hon. Mr. Burlingame are simply described as 二品銜 “titulants of the second grade”. It is Mr. Brown, who raises them to the position of “high officers.” In the Imperial Rescripts commanding their appointment, numerous qualifications are attributed to them (23, c); few to their American co-messenger (23, A). We happen to be in possession of a unique collection of large-sized water-color drawings with descriptive text in Mss., illustrative of the life of a celebrated Taoist priest, and executed by Imperial order. One of these drawings represents, true to life, a 使臣, how, just dismounted, he hurries up to the priest, with the Imperial letter, commanding the presence of the latter at the Palace, slung over his shoulders. The picture will convey a more vivid and correct idea, than words could, of the real position, assigned by the Chinese Government to, and accepted by, the Hon. Mr. Burlingame: we, therefore had it photographed on a reduced scale, and shall cause it to be prefixed, as a frontispiece, to the present essay.

69. *The Mission, its special object, and its motive.*—That whole portion of the text, which, commencing with 朕, extends to the second 朕, forms but one, according to our notions somewhat

the present Dynasty (above p. 83, Note 5) ch. xl, fol. 74, treating of 外國貢使, “the tribute-bearing Messengers of Outer States”; etc., etc.

³ Papers relating to Foreign Affairs, Washington, Government Printing-Office, 1859-60, vol. x, 8vo., p. 269. The communication is dated Hsien-Feng viii, 3, 13 (April 26, 1858) and Baron Gros is represented in it as having humbly asked permission to go up to Peking.

awkwardly constructed, sentence. Its very contents, admitting of no disconnection, prove this. In order to produce his three paragraphs out of it, Mr. Brown has had to interpolate largely, and to take extraordinary liberties with the original. Chih-Kang and S'un-Kia-Ku are appointed, 并 "together with" (the Hon. Mr. Burlingame). The quasi-official version either translates that particle: "also...to accompany Mr. Burlingame", and the subsequent sentence 同赴大英國: "to England"; or else the latter,—the literal meaning of which is", for all of them together or conjointly to proceed to the Great Principality Eng"—is rendered by him: "to accompany Mr. Burlingame to England", and 并 simply: "also". In either case, the mistranslation is a material one: Chih-Kang and S'un-Kia-Ku being appointed, not to accompany the Hon. Mr. Burlingame as their chief; but to proceed to the West conjointly with him, as members of the same mission, placed on the same diplomatic footing: that of the 使臣 of our frontispiece; and 俱膺特簡重大臣, "all in the capacity of, "or" as, duly and specially for this responsible trust",—a trust, to which we shall presently refer,—"chosen Ta-chên (Honorables)." Out of these plain and simple words Mr. Brown makes: "where Mr. Burlingame with the two so appointed will act as Our High Minister Extraordinary and Plenipotentiary". A bolder deception of the kind has probably seldom been attempted. Mr. Brown must have been acquainted with the purely titular import of 大臣, and the circumstance that, as "Tsung-Lun authoritatively repeated (to Mr. Reed, the United-States Minister): public servants in our State (China Proper) do not pretend to plenipotentiary powers;... and that there has never been any such denomination (of officer) as plenipotentiary";¹ or, had a post of this importance been specially created, he must have known that it, assuredly, would not have been entrusted to a foreign barbarian and a couple of supernumerary clerks of the Tsung-li Yamên; and that the proper designation of a simple "Minister" would have been 欽差公使大臣. But, indepently of this, the 大臣 of our text cannot possibly be disconnected from 俱 "all;" namely, in reference to what precedes,

¹ Papers relating to Foreign Affairs, Washington, 1859-60, vol. x, 8vo., p. 475.

P'u-Ŋan-Chên, Chih-Kang, and S'un-Kia-Ku; in reference to what follows, "these three servants," or as Mr. Brown translates: "the said three Ministers". Nor can 重任, "a grave or important trust", any more be construed into "Extraordinary and Plenipotentiary", than 大臣 can be into "Our High Minister".² The Manchu text, which has 仝, "all together, "conjointly," "in one company" for 同; 仝, "all," "every one" for 俱; 仝, "grave duties," "a grave charge" for 重任; and 仝, "an Honorable" for 大臣, is equally explicit.

70. *The special object of the Mission*, certainly is mentioned in connection with the Hon. Mr. Burlingame's name; because the Emperor sees fit to express, by a dubious 可, a confidence in his foreign messenger, which he, as proved by the Imperial Rescript C, silently and fully accords to his native envoys. The object is stated in these words: 於辦理 [who, the Hon. Mr. Burlingame,] "in the management of", 兩國交涉事宜 "the, out of both States [the directing Central State and the Tributary State Eng] commercial intercourse arisen business," 可期 "I may expect", 代 "on (My) behalf," 達 "will discern," 衷 "that which is equitable and (therefore as here implied,) admissible," and 曲, "that which is unfair (literally: crooked) and, (as again in this connection implied, therefore) inadmissible". In other words, the special object of the Mission is, to obtain, in view of an impending revision of the existing Treaties, conditions more favourable to China, than those imposed on her at the cannon's mouth,—a subject, however, which will be more fully discussed in the sequel. Instead of the literal translation just given, Mr. Brown's version renders the sentence under consideration: "and in whom (Mr. Burlingame), in transacting all business in which the two Empires (of Great Britain and China) have a common interest, We have full confidence as Our Representative and the Exponent of Our ideas". 國 by itself, as

² Compare Notes 17 and 18, p. 39, and Note 16, p. 10, above.

has been previously shown, does not signify "an Empire", but simply "a State, whether great or small, whether dependent or independent"; besides which the Chinese Government are known, and were known by Mr. Brown and his approvers, to recognize no Empire, save the one Ching Empire Universal of the World. The words "Great Britain and China," supplied in the copy of Mr. Brown's translation of the Letter of Credence for England, are not in the

text. 交 = 𠂔, means: "intercourse (of persons and friends), trade, commerce"¹, here: "commercial intercourse"²;

涉 = 𠂔, "to be involved in", "to arise out of", "to be the common consequence of"; 事宜,—for which the Manchu

text reads 𠂔 𠂔 = 事件, "business cases",—

"business". Mr. Brown omits the words: "which has arisen" or "arising out of the commercial intercourse", and in their stead supplies the words: "all...in which...Great Britain and China have a common interest": thus generalising, extending, and completely changing the character of, the special "business", which the Mission is sent to perform. 可 has here but the one meaning "I may";

期 "that which ought or must be", "to expect"; 不期而遇 "to meet unexpectedly", [literally: not expecting, yet meet], "期望 to hope, to expect". [望 signifies also "to look forward to", "to expect"]³. Mr. Brown's version: "We have full confidence", is altogether unwarrantable. 代 "for", "instead of",

"in the place of",⁴ "on behalf of", is an adverb, and in its adverbial sense *never* occurs as a noun; it is erroneously, therefore, that Mr. Brown translates it: "as Our Representative". 達, here a verb,

as such signifies: "to permeate on every side", "to penetrate", "to see through", "to discern between two things".⁵ Of 東

Dr. Morrison says: "Applied to punishments denotes justice and equity; neither too severe nor too light; *what is right and just*; moral rectitude;...to wind about the heart; the heart; the mind...

¹ Compare Dr. Morrison's Dictionary of the Chinese Language, *sub voce*.

² Compare Note 15, p. 33, above.

折衷 “to decide equitably between conflicting opinions;... 衷當 “rightly adjusted”; and of 曲: “Crooked; bent; distorted; oppressed; charged falsely; [*“what is unjust and unfair”*]; 曲曲, intrigue and chicanery”. Manifestly, 衷 and 曲 are in contrast; and the meaning of the sentence is as plain, as the syntax is simple. Yet Mr. Brown, in defiance of both, and of grammar to boot, translates 達衷曲: “and as the Exponent of Our [heart's crooked ways, intrigue and chicanery, i.e. according to him] ideas”. He is not complimentary to his Imperial Master. *Indicative of the motive*, which has induced the Emperor to send the Mission, he wishes it to be regarded as 以爲真心和好之據, “a proof that his sincere desire is a perfect concord”. From this sentence, Mr. Brown eliminates 和好 “a perfect concord”, altogether: connects 據 with 真心; and thus disjointing the text, places the mutilated phrase at the head of *his* second paragraph, where it equally distorts the sense and interrupts the logical sequence of the original.

71. *General object of the Mission.*—The special object of the Mission is rendered subservient to, and held out as a means for the attainment of, the general one: the firmer union of certain well-affected outer Principalities with the Empire. 朕知, “I, THE EMPEROR, know”, is the pithy sentence, opening the second paragraph of the Letter of Credence, and which positively admits of no other interpretation. Mr. Brown translates it, the same as we have just found him to translate 可期: “We have full confidence”. Well might he appeal for countenance to his “approvers”. 此三臣 “these three servants”, he elevates to the rank of so many “Ministers”; although the Emperor in this place even waives the courtesy of styling them 大臣, “Honourables”. Considering their position from the Imperial point of view, “slaves” would have been the more correct rendering. Their “incorruptibility”, 醇, the First Secretary of the Mission drops. These three servants, the Letter goes on to say, 必 “must”, 能 “be able”, 辦理, “to manage”, “to bring about”, 妥協 “a firm union”, that is

³ Dr. Morrison's Dictionary of the Chinese Language, *sub voce*. ⁴ *Ibid*.

⁵ Compare Dr. Morrison's Dictionary of the Chinese Language, *sub voce*.

to say, a union founded on due obedience on the part of the Principality Eng, and the other tributary States here in question.¹ Mr. Brown translates: "and (We) are assured they will discharge satisfactorily the duties entrusted to them". This translation is simply a falsification of the Chinese text; which, hereupon, assumes a somewhat threatening tone. 務 indicates intensity of feeling or purpose; 望 "to look forward to", "to anticipate", "to expect"; 推 "to calculate", "to precalculate", "to reckon on"²: 務望推 "I confidently expect that", in a commanding sense, and expressive of the utmost degree of certainty. Mr. Brown's rendering: "and We earnestly request that", is unjustifiable. 誠 "(myself) sincere", 相 "reciprocally (sincere)"; 信 "faith, entire faith, to place faith in". Mr. Brown translates: "the fullest credence and trust may be accorded to them". He ignores 相, and would seem erroneously to have taken 誠 = "credence", 臻 is not "to make", as Mr. Brown translates, but "to (completely) attain", "to arrive at". 友睦 he renders: "our relations of friendship". The Manchu text repeats, instead, the terms corresponding to 和好. According to Dr. Morrison, 睦 signifies "kind feeling; attachment to; agreement amongst kindred and friends", i.e. concord. The meaning of "(political) relations", or of any "relations" whatever, is altogether foreign to the term. Nor is 友 here a noun = "friendship"; but an adjective to 睦, in the sense of "obedient", "submissive", "loyal", on the part of the Tributary States. 共, "generally", "on all sides" is rendered by Mr. Brown: "both nations". It is the third time he introduces the idea of "nations", unknown to the Chinese, into the text of the Credentials: how else, indeed, could the Hon. Mr. Burlingame have expressed an anxiety, on the part of the Chinese Government, to enter "the comity of nations"?

72. *Conclusion of the Letter.*—Having given, in sending the Burlingame Mission, a signal proof of his most gracious desire to maintain a good understanding with his well-affected Principalities,

¹ Dr. Morrison, *sub voce*, has: "協". Agreement, concord; union; harmony;... to yield cordially;...(下民祇)協, "(the people respectful and) cordially submissive".

between which, and his Government, the Emperor states, certain commercial questions have arisen, he confidently expects that, provided they wish to continue in the enjoyment of peace, they will duly listen to his Messengers. If they should not,—the very possibility of such an alternative is silently dismissed, and merges into the concluding expression of a firm conviction, on the Emperor's part, that "great must needs be the joy and satisfaction", namely, at the receipt of his Letter and the condescending assurances of goodwill towards his Principalities, contained in it. Such is the sense and spirit of the last paragraph, which Mr. Brown, connecting it immediately with the preceding paragraph, translates: "a result which we are certain will be deeply gratifying". But the connecting words "a result which" are not in the original text, and instead of "will be deeply gratifying", it reads: "[諒, I feel sure], 必 (this) must needs, 深 greatly, 爲 cause, 歡 joy, 悅 and satisfaction, delight, 也, aye". The term 同治, *T'ung-Chih*, is frequently, if not more generally, by foreigners mistaken for the name of the present Emperor. It is the 年號 or chronological designation of his reign, essentially a designation of good augury. At first 祺祥 had been chosen. The custom was introduced by the 'Han dynasty. The Emperor's name is 載淳, *Tsy-Chun*. Neither character is used during his life-time. Instead of the latter, being of frequent occurrence, 淳, *Chun*, is written. The Chinese have no fixed era to date their years from. They commence a new period, differently designated, at the commencement of each reign. "*T'ung-Chih*, vi." is = "*Anno Domini*, 1867".

73. We have thus endeavoured, in a clear manner and by conclusive linguistic testimony, to place the literal fidelity of our somewhat softened translation of the Chinese text of the Hon. Mr. Burlingame's Letter of Credence, compared, in regard to all important or dubious points, with the official Mauchu version, beyond a reasonable doubt; and we may now be permitted to cast a retrospective glance at the Letter itself. We doubt whether a more

² Dr. Morrison *sub voce* gives as one of the meanings of 推: "to command". The term is frequently used in the sense: "to precalculate eclipses"; hence: "to precalculate with mathematical certainty".

over-bearing document has ever emanated from the Vatican, even at the height of the power and insolence of the occupants of St. Peter's chair; certainly, a more insulting Letter has never been accepted by any European Sovereign, or any President of the Great American Republic. Its style is precise; its purport clear; its logic perfect; its consistency with the Chinese State-doctrine of Universal Supremacy, with the corresponding Imperial Rescripts, and with the despatches of the Tsung-li Yamén bearing on the subject, complete (comp. 82 above). The Great Exalted Monarch and Highpriest of the World does not attempt to mince matters. He speaks out boldly. Condescendingly he, the Representative of God on Earth, the Son of Heaven, in the place of Heaven ruling mankind, greets the Mistress of his loyal Principality Eng. The British Dominions, wherein the Sun is said never to set, are but a tolerable-sized Province of the Empire Universal of the Ching; the Sovereign of Great Britain is only one of those feudal lords, 邦君, vassals of the One Solitary Man, whom at any moment he may summon into his presence, to attend, after having been graciously permitted to prostrate themselves to the ground and to offer up their tribute, say, one of the grand Imperial sacrifices at the Temple of Heaven, or the Temple of the Earth, or the Temple of Confucius, or the Ancestral Temple of the Ching. Imagine, reader, on such occasions the Great Lord Li-s'i-t'ien-tō of the star-spangled Republic, the Czar of All the Russias, the Emperor of the French, the Prussian "Schirmherr Deutschlands", and a host of minor European Sovereigns, in waiting on the Great Tatar Autocrat of the Earth, "hurrying about" and carrying the dishes!" This is the office assigned by the semi-barbarous Ruler of China to the great Potentates of Christendom and Civilisation.

§ 6.

INSULTING CHARACTER, AND PRINCIPLE OF VASSALAGE
INVOLVED IN THE ACCEPTANCE, OF THE
LETTERS OF CREDENCE.

74. If the Letters of Credence, presented by the Hon. Mr. Burlingame and his native Co-Messengers to the President of the United States and the Sovereigns of Europe in treaty-relations with the Ching Empire, were marked only by the assumption of an empty title, however high-sounding, on the part of the Emperor of China, or by some immaterial verbal impropriety in the original texts, glossed over in the quasi-official translation: the matter, perhaps, would hardly deserve a notice, and the views might be applied to it, which were expressed by the Hon. Mr. Burlingame and Mr. Wade on a former and somewhat similar occasion. We allude to the Letter of January 23, 1863, from "His Majesty the Emperor of the Ta-tsing dynasty" to "His Majesty the President of the United States", communicated above (7).¹ The then *American* Minister, in forwarding it, wrote to his Government²:—"The letter is in Chinese and Manchow. There is an assumption in the words 'to soothe and bridle the world', which will cause you to smile. My first thought was to object to the language; but when I learned that it was formal,³ and was, substantially, what had been used before, and that the Government really intended to be unusually kind, I thought it would be impolitic and ungenerous to criticise the form in which that kindness was sought to be expressed. I send you two

¹ Page 15. Our surmise as to the title of "the Great Exalted Monarch and Highpriest" having been prefixed to that of "Lord Li-si-t'ien-tò", and, in the name of the Emperor of China, applied to the President of the United States, is fully confirmed by Mr. Wade's translation of the Letter, published in the "Papers relating to Foreign Affairs", Washington, 1864, part ii, p. 847, and with which we were unacquainted at the time. ² *Ibid*, pp. 846—7, 848.

³ The Hon. Mr. Burlingame evidently does not distinguish between "formal" and "a mere form".

translations of the letter, one marked A by Mr. Schewescwesky,¹ who interprets in the absence of Dr. Williams; the other, with note, marked B by Mr. Wade, of the British Legation. From these you will learn its true meaning. The fullest equality is conceded to the President of the United States, by the position in which they are placed in the Chinese text, as well as by the language used in the beginning and at the end of the letter. I feel that I am here to secure essentials, and not to raise questions about unimportant matters. I do not suppose the President will be troubled to learn that the Emperor of China thinks that he has received a Commission 'to soothe and bridle the world', but I imagine that he will be pleased to learn that I have established the most friendly relations with the Chinese Government".—"Translator's Note. The words signifying 'to soothe and bridle the world' no doubt, imply that the Emperor, as Tien-Tzie, son of Heaven, is to the sovereigns of the Earth a superior, much of the sort that the Pope, at various periods from the days of Hildebrandt down, claimed to be. But beyond a remark to the Prince that we foreign nations do not admit that we can be 'fu yu', 'soothed and bridled' by any but our own governors, I should not, were I responsible for an opinion, recommend that further notice should be taken of the, at first sight *per se*, objectionable expressions. For the position of the terms United States and President admits the fullest equality between the nation and its ruler and the Chinese empire and its sovereign; and the salutation with which the letter commences is as significant of the equality of the President with the Emperor as words can be; while the close of the letter is scarcely less so, 'that we may tung hsung together, or alike enjoy peace increasing' would certainly not have been written thus had the writer not intended to hint that the person addressed was less than his equal". Signed: T.W(ADF).

75. In the first place, however, the two cases differ essentially; and, in the second place, the views entertained by the Hon. Mr. Burlingame and Mr. Wade partly rest on erroneous premises, and partly are of themselves opposed to both logic and principle. A few words to indicate this, may not be inopportune. The pregnant

¹ The Rev. S. J. J. Schewescwesky is the gentleman meant.

verb 撫馭 does not mean "to soothe and bridle" but, applied by the Son of Heaven to 天下, it signifies: "to carry on the Government of the World with a strong hand", literally: "to keep in subjection and rule the World"; and the assertion of his divine right to do so, is anything but a mere formality, or an unimportant matter: it is the persistent assertion of a gigantic political principle, the importance of which, from the Chinese point of view, can hardly be over-rated (26), and which, in the American sense, too, involves nothing less than the vassalage, diplomatically and legally speaking, of the United States. Yet, Mr. Wade advises that no notice be taken of the "*per se* objectionable expressions", on the following grounds: firstly, because the Chinese terms for "United States" and "President" are raised to the same height with the "Ching Empire (of the World)" and its "Exalted Monarch and Highpriest"; which, it is argued, "admits the fullest equality between the (American) nation and its ruler, and the Chinese empire and its sovereign". It is a *purely conventional* habit of the Chinese, in writing and printing, to raise certain terms, connected with Heaven and the Imperial family, more or less above the common level; and in this purely conventional habit they, certainly, have made the concession alluded to. But to perceive in so trifling and *mere* a "formality", in defiance of the "essential" assertions of language to the contrary, a proof of the admission of the fullest equality of rank and position between "the Monarch of the World" and the "feudal lord of one of his well-affected Principalities" appears to us, we must confess, a simple perversion of logic and common-sense. Mr. Wade's second ground is, that the salutation, with which the letter commences—according to his erroneous translation: 'His Majesty the Emperor of the Ta-tsing dynasty salutes his Majesty the President of the United States',—is as significant of the equality of the President with the Emperor as words can be. Mr. Wade may have been, and be, ignorant of the fact that the term 問好, which he renders "salutes", is used only by the superior towards the inferior (53); and he cannot have been acquainted with a subsequently discovered note of the Emperor Hsien-Fêng, relative to the very letter here in question, and ridiculing the President's arrogance

and folly in claiming equality with him¹: but he might, and should have known, that no Emperor of China would have given to the President of the United States his own title of 大皇帝, except, perchance, *in derision*. Either that letter was never submitted to "the sacred glance"; or else it does not bear the Imperial seal. Moreover, if 大皇帝 was the title due to the Chief Magistrate of the North-American Republic in 1863: why was it not accorded to him in the Imperial Letter of Credence in 1867? Mr. Wade's third and last ground is so puerile, that it may be left to speak for itself. The Hon. Mr. Burlingame, adopting the reasons of his friend, adds to them one or two of his own. The (objectionable) language, he learned, was [merely] formal, and was substantially what had been used before:—a reason for not objecting to what is objectionable, which reminds us of the saying of the cook, while skinning a live eel: "there's nothing like being accustomed to it"; in perfect accordance with Mr. Wade's way of thinking (58). The question, however, was not, as the Hon. Mr. Burlingame ingeniously puts it, whether the language was, or was not, of a nature to "trouble" the President; but, whether or not it *asserted the vassalage of the United States, and conveyed an insult to the American people*. To raise questions about matters so unimportant as these, the Representative of the great Western Republic felt, he had *not* been sent for all the way to Peking: the object of *his* mission being "to secure essentials". Could he, already at that time, had his £8,000 a year in view? The Chinese Government, he had been given to understand, "really intended to be unusually kind". Of such a disposition towards the United States, the Tsung-li Yamén, certainly, has never betrayed any symptoms, while affording signal proofs of it towards the Hon. Mr. Burlingame personally. No wonder, he "thought it would be impolitic and ungracious to criticise the form, in which that kindness was sought to be expressed". The most friendly relations, which he informed the American Secretary of State, had been established by him with the Chinese Government, were of a nature equally hollow and fallacious.

76. We may now revert to the Letter of Credence, in which,

¹ The note will be communicated further on.

too, "the Great Exalted Monarch and Highpriest of the Great Ching Empire of the World" and "the Great Lady of his Great Principality Eng" are in writing placed on the same lines, respectively (37); but we doubt whether any rational person will look upon so trivial a point of formality as tending to modify in any degree the language of the Letter itself. That Letter and the Mission, which it accredits, present two features of the gravest nature: both, combined, offering a national insult to the people of England, the British Government, and Her Majesty the Queen; and involving, in principle, the publicly acknowledged vassalage of the British Possessions, as so many Tributary States, Principalities, or Provinces of the Chinese Empire Universal of the Ching. The national insult consists in: 1stly.—*The political character assigned to the Mission; and in the choice of its members.* We have already pointed out, that the Mission is not a diplomatic Embassy from one Sovereign to another (32); but a Mission in the lowest political sense of the word, despatched, at the instigation of an intriguing and unscrupulous foreigner in the Chinese service, by the pretending Monarch of the World to the feudal lords of some of his distant Principalities, for the attainment of "a firmer union" and certain commercial advantages; moreover for the purposes of deceit, and the dissemination of falsehoods, as will presently appear. We have already, too, called attention to the improper character of the native *personale* of the Mission, both the associate Messengers of the Hon. Mr. Burlingame, and the so-called attachés; none of whom are persons fit, either by rank, position, or education, for the post to which they were appointed, or for the diplomatic society to which they were introduced with the manifest design, on the part of the Tsung-li Yamén, to evince its contempt for the European Sovereigns, and thus to please and flatter the Tatar Court. From the Chinese point of view, the association of a foreigner with such men tends to lower the Mission still further; whilst in the European sense, the obvious disqualifications of the Hon. Mr. Burlingame, the peculiar circumstances under which he changed his representative character (34-35), and the fact of his being sent by "the Son of Heaven" in the naked capacity of a Chinese subject and

common Public Messenger, are hardly calculated to impart any dignity to it, beyond that of an ostentatious masquerade and richly-paid adventure. 2ndly.—*The formal assumption, on the part of the Emperor of China, of Divine and Universal Supremacy both political and religious.* The claim to the autocracy of the habitable Earth, maintained by the reigning Sovereign of "the Flowery Land", is not made to rest solely on his title of "The Great Exalted Monarch and Highpriest of the Great Ching Empire of the World"; but is in distinct terms, asserted as an actual political right, "the acknowledgment and enforcement of which", as already Sir George Staunton so justly remarked (26), "the Chinese Government appear never to neglect whenever prudence or policy will permit". This right¹ is here extended to its utmost limits, and undisguisedly upheld in a formal Letter of Credence, directly addressed by the Ruler of China to the Queen of England. 3rdly.—*The formal designation of Great Britain as one of the Tributary States, Principalities, or Provinces, of the Chinese Empire.* Not only are the immediate terms, in which England is thus described in the Letter of Credence, clear, plain, and explicit; the whole tenour and spirit of that Letter, also, are in accordance with them. The asserted vassalage of England implies, on the part of the Emperor of China, the absolute right of life and death over every British subject, and the Sovereign, as a Chinese subject, as well. 4thly.—*The Title of "Lady of the Principality Eng", formally given to the Queen's Most Gracious Majesty.* We may safely leave it to every loyal Englishman, to answer for himself the question: Whether a greater insult could have been offered by a foreign Sovereign to the English nation, than is here, in a formal Letter of Credence, offered to our Queen by the Emperor of China? It may, and no doubt it will, be urged by the Wade, Williams, and Hart, that the title, complained of, was Dr. Morrison's own choice, and has "come to be used" (53) in all subsequent despatches and treaties. But, in our judgment, such a plea is calculated to add to,

¹ See Mr. Burlingame's various speeches; Mr. Hart's "Note on Chinese Matters", and Mr. Robertson's Letter to the London Daily News, in the Appendix. Mr. Lawrence also writes: "Nous avons déjà annoncé que la Chine a adopté le code international européen. Les 'Éléments' viennent d'être traduits pour l'usage du

rather than to extenuate, the offence. When on the conclusion of the Treaty of Nanking, the late Dr. Morrison, under an erroneous impression as to its import, proposed or was led to propose, the title of 君主 for the Queen,—a title, so acceptable to the Chinese authorities,—it was under the circumstances, perhaps, not altogether unpardonable that they should profit by his imperfect knowledge of the Chinese language, in adopting it. Something might even be said to palliate the conduct of the Tsung-li Yamên in at first continuing, with the consent of Mr. Wade's ignorance or indifference, the use of a title for the Sovereign of Great Britain, which they knew to be derogatory to her dignity. But every excuse vanished, when their confidential adviser, the Inspector-General of Maritime Customs, Mr. Hart, "translated for the Yamên that part of 'Wheaton,' relating to rights of Legation, Treaties, &c., long before Dr. Martin came to Peking", and when, subsequently, the Hon. Mr. Burlingame announced to the West, that the Law of Nations in its integrity, as laid down in English, and rendered into Chinese, by two of his own countrymen, had been accepted by the Imperial Government of the Flowery Land.¹ Under any circumstances, the national insult, deliberately offered in the Hon. Mr. Burlingame's Letter of Credence, by the Emperor of China to Her Majesty the Queen, the British Government, and the people of England, and consistently sustained by the words and action of the Tsung-li Yamên in its official intercourse with the Representative of Great Britain in Peking, is one of those palpable facts, which no argument can remove, and no pleading efface.

77. Yet, both the insulting Letter and the insulting Mission, charged with its delivery, were received, and received with all honors, at the Foreign Office and at Windsor Castle. By that reception, which had been anticipated at Washington, and was followed at Paris, Berlin, St. Petersburg, and the minor capitals of Europe, the originator of the Mission, Mr. Hart, the Tsung-li

gouvernement Céleste; ainsi, l'ouvrage de M. Wheaton sert aujourd'hui de manuel diplomatique à Peking de même qu'à Yeddo".—*William B. Lawrence*, "Commentaires sur les Eléments du Droit International" etc. de *Henri Wheaton*, Leipzig, 1868, tom. i, p. 146.

Yamén, and the Tatar Court achieved a signal triumph. It realised one of their principal objects, the strengthening of the Manchu dynasty, in restoring its prestige, so greatly shaken by the successes of the French and English arms. To the whole Chinese world of high officials and literati, who became acquainted with the circumstances, they furnished the ocular demonstration of the return of the rebellious Ying and F'a Principalities to their allegiance, and of the submission of the prostrate West to the rule universal of the Ching. The fear of the foreigner turned to defiance, if not contempt; and a change came over the spirit of the Chinese people. Who would venture to foretell the consequences? The error committed by Western diplomacy was a twice grave one. Not only did it, in the eyes of China, allow the vassalage of the President of the United States and the European Sovereigns to appear as a publicly acknowledged fact: in the European sense, too, it virtually admitted that vassalage, both morally and legally. For, in accordance with Western International Law and custom, it is, in the first place, by means of his Letter of Credence, that an Envoy establishes his representative character,—representative of the Sovereign who sent him—; the forms of these Letters vary according to the rank of the Princes, by whom they are written and to whom they are addressed; and they are accepted only after it has been ascertained,

1 "Pour être reçu avec le caractère de ministre par l'Etat, auquel il est envoyé, le ministre doit être muni d'une lettre de créance... Outre l'original, muni du sceau de l'Etat, on donne ordinairement au ministre une copie légalisée pour la présenter au secrétaire d'Etat en demandant audience..... La lettre de créance imprimée à l'ambassadeur un caractère public; elle est donnée suivant les formes usitées dans les chancelleries, et sa rédaction indique le but général de la mission au souverain auprès duquel il est envoyé... Ces lettres sont une espèce de plein pouvoir général; mais, dans la pratique, elles ne servent qu'à constater le caractère d'un ambassadeur et ne l'autorisent à aucune négociation particulière. Leur forme varie selon le rang du souverain qui écrit, et celui du souverain auquel elles sont adressées. Elles ne sont reçues qu'après qu'il en a été donné une copie textuelle, et que le protocole a été reconnu conforme aux usages établis; elles sont remises, ou censées l'être, dans une audience publique ou privée, selon l'usage du pays et le caractère officiel de celui qui en est porteur..... De toutes les assertions contenues dans ce paragraphe, ajoute Pinheiro-Ferreira, la seule qui ait besoin de quelque explication est celle de la copie, dont M. de Martens dit que l'envoyé doit donner connaissance au secrétaire d'Etat, en demandant l'audience de présentation au souverain... On peut trouver deux motifs à cet usage: l'un, c'est de mettre le secrétaire d'Etat à même de pouvoir se préparer à faire à son

from a true copy of the original, that they are in conformity with established usage and recognized rights.¹ And, in the second place, the reception of an Envoy, on presenting his Letter of Credence, which has thus been previously examined and approved of, is regarded as a formal act of acknowledgment of the Sovereign, whose Representative he is, and, it need not be added, of that Sovereign's rank and position, as described in the Letter of Credence.² Hence, considering that, in the Hon. Mr. Burlingame's Letter of Credence, the Sovereign who sent him is described as the sole Monarch of the World and Representative of God on Earth, and the Potentates, to whom it is addressed, generally as the feudal lords of certain of his Principalities, Victoria I, in particular, as the tributary Mistress of his Principality Eng; that neither the United States in this instance,³ nor the European Courts in any case, were bound to receive the Hon. Mr. Burlingame and his Letters of Credence; but that they did receive with all honors both the envoy, who presented those Letters, and the Letters themselves, upon previous examination and approval of the contents of the latter: it is unquestionable that thereby, according to the Law of Nations and recognized diplomatic usage, the Western Governments, to whom the Hon. Mr. Burlingame was accredited, generally, and the English Government, in particular, publicly and formally

souverain un rapport en connaissance de cause sur l'objet contenu dans la lettre en question; l'autre, c'est de prévenir qu' aucune lettre ne soit présentée au souverain, dont la seule lecture pût être considérée comme une atteinte au respect qui lui est dû".—G. F. de Martens, "Précis du Droit des Gens Moderne de l'Europe", augmenté des notes de Pinheiro-Ferreira, etc., par M. Ch. Vergé, 2^e éd. Paris, 1864, 2 vols. 8vo., vol. ii, pp. 84—86. Comp. Henry Wheaton, "Elements of International Law", 2nd ed., annotated by Mr. Lawrence, London, 1864, 8vo., p. 388.

¹ "The reception of an ambassador is an acknowledgment of the rights of his sovereign. It is a mere matter of choice and interest whether a state agrees to receive an ambassador or otherwise; unless special treaties have limited the rights of refusal of any particular state, by distinct conditions".—"Embassies and Foreign Courts, A History of Diplomacy"; London, 1855, 8vo., p. 55. Comp. de Martens, "Précis du Droit des Gens Moderne de l'Europe", tom. ii, p. 44: "...C'est pourquoi la réception ou l'envoi d'un Ministre sont considérés en Europe comme des actes de reconnaissance de celui dont on le reçoit ou auquel on l'envoie"; of course, subject to the terms of the Letters of Credence.

³ Under ordinary circumstances, a Chinese envoy would have been entitled to a reception in the United States. See below.

acknowledged the relative positions of him, whom we term the Emperor of China, and the Princes, addressed by him, as described in the original Letters of Credence. In short, confining our remarks here to our own Government, it has, by its official reception of the Hon. Mr. Burlingame, publicly and formally acknowledged the Universal and Divine Autocracy of the Emperor of China, and the vassalage of Great Britain as a Chinese dependency. That the Government has not wittingly done so, nor knowingly accepted the insults, offered by Chinese insolence to the Sovereign and the people of England, we need scarcely observe: that, in due course, it will vindicate the national independence vis-à-vis of China; demand explanations and obtain redress from the Tsung-li Yamên for the offence committed; and visit with the full rigour of the law those, who have practised upon it an unparalleled deception, we take for granted. In this place, our only object was to point out the humiliating facts of the case.

§ 7.

FALSIFIED QUASI-OFFICIAL TRANSLATION OF THE
LETTER OF CREDENCE.

78. We have seen, in the two preceding sections, that the reigning Emperor of China has yielded not one iota of those lofty pretensions to Universal Supremacy, which he has inherited from his ancestors; and that the Ministers of the Tsung-li Yamên have succeeded in causing the most offensive Mission, and the most insulting Letters of Credence, which, probably, were ever sent to Western Courts, to be received with more than common honors. The circumstances, under which this extraordinary triumph of Eastern statecraft has been accomplished, are the following. When, succumbing to the persisting importunity of the Inspector-General of Chinese Maritime Customs, Mr. Hart, the Celestial Government had finally assented to his Burlingame-Mission scheme, that ambitious and intriguing amateur-diplomatist is understood to have submitted to his employers the general draft of a Letter of Credence after "Wheaton". But the Emperor, or rather the two Empresses, who govern in his name, and the Privy Council of State, having from the first declined any connection with the proposed Mission, and thrown its responsibility altogether on the Members of the Tsung-li Yamên personally, were by no means inclined to grant the needed document, until the confidential adviser of "the Chinese Government" and the First Secretary of the projected "Embassy" pleaded, through the Yamên, the precedent established by the Emperor in twice writing to "the Great Exalted Monarch and Highpriest, Lord Li-s'i-t'ien-t'ò" of the United States. Whatever the Chinese Government may think of those "Imperial" letters, it understood at once the hint thrown out by its foreign servants, and the signal political advantages to be derived from, and by means of, the Mission. The result was the Letter of

Credence, "written on yellow paper in Chinese and Manchu", and stamped, we presume, with the proper Great Seal Imperial—without which it would be a mere piece of paper—, such as we have placed it before the reader. To induce its acceptance by the Western Powers was left to Mr. Hart and Mr. Brown, in combination with the Tsung-li Yamên, to accomplish; and the Members of the Tsung-li Yamên, on their part, declining, at their personal responsibility, to invest the Messengers elect with any specific powers, much less with those of Ministers Plenipotentiary, this point also was consigned to the care of Mr. Brown and Mr. Hart, aided by the Foreign Interpreters. The dilemma, however, which had thus arisen, wore by no means a smiling aspect. It presented this one alternative: the Letter of Credence, obtained from the Chinese Government, being of such a nature as to render the Mission a mere farce, and its reception by the Western Courts a simple impossibility: either the scheme, so patiently matured and now so near its realisation, had to be altogether abandoned; or else the Letter of Credence—who of the Foreign Potentates and Ministers understood Chinese?—had, in an authoritative yet unofficial translation, to be so altered as to meet the emergencies of the case; the insults, in which it abounds, had in the English version to be effaced; the powers, in which it lacks, to be supplied; and the "Imperial Messengers" to be raised to the rank of "Ministers Extraordinary and Plenipotentiary". Even the most unscrupulous and would-be irresponsible agents of "the Chinese Government"¹ might well have paused, before committing themselves to a fraud, without a parallel, we believe, in the history of diplomacy, and necessitating, moreover, a corresponding deception, on their part, to be practised upon the Hon. Mr. Burlingame himself. Relying on the secrecy of those, whom they would have to induce to participate in the undertaking; on their own non-liability to suspicion; on the general inaccessibility of the original documents; on the small number of sinologues, disposed

¹ On the occasion of a recent law-suit, instituted against Mr. Hart, this gentleman maintained the proposition that, as an agent of the Chinese Government, he is, as regards his conduct towards the Foreign employés of that Government generally, absolutely irresponsible; and, whatever be the wrongs or crimes committed by him in the capacity alluded to, amenable, though an Englishman, to no English law. By

or prepared to inquire into the subject; and on the weight of their authority: they considered themselves safe from discovery, and did *not* pause. So, in the first place, Mr. Hart and Mr. Brown made the falsified translation of the Letter of Credence, communicated above (§ 5, 37, a); and of which Mr. Brown took the responsibility upon himself, obtaining to it the formal "approval" of Mr. Hart, Dr. Williams, and Dr. Martin. All this, in most points, is fully confirmed by the document in question itself, and an official despatch from Dr. Williams to the American Government, dated the 25th January, 1868, and a copy of which we subjoin:—

Mr. WILLIAMS to Mr. SEWARD.

Legation of the United States,

Peking, January 25, 1868.

SIR,—Referring to my dispatch of the 23rd ultimo, relating to the diplomatic mission sent by the Emperor of China to the treaty powers, I have now the honor to inform you that the two co-ordinate Chinese imperial envoys and their suite left Peking on the 4th instant, on their way to Shanghai, where they propose to join Mr. Burlingame in time to leave for California on the 15th proximo. Mr. Brown, first secretary of legation, left a few days after them, taking with him the letters of credence addressed by his Imperial Majesty to all the treaty powers, 11 in number. These documents are written in the Chinese and Manchu languages, on yellow paper, and, as I saw, are quite similar in form and size to the two replies from the Emperor to Presidents Buchanan and Lincoln.

The preparation and dispatch of these letters of credence marks an advance on the part of this government almost as great as that of sending the mission itself, although apparently a mere consequence of that act. In order to explain this, it is needful to observe that the Board of Foreign Office, notwithstanding its great influence and the high rank of its members, has hitherto no legal existence of itself, but at present consists of the presidents of four of the six boards, viz, civil office, revenue, punishments, and works, and two other high officers, who have been detailed to join in its deliberations under the chairmanship of Prince Kung. The members act in it conjointly under the style of the Tsung-li koh kwoh sze, or general managing office of foreign countries; but individually they are responsible also for the conduct of their own departments to the general council of the government. When the desirableness of appointing Mr. Burlingame and his associates as envoys to foreign countries was proposed, the matter was agreed to by the Empress Regents, and others, as a proposal of the foreign office chiefly, for the success and results of which it was responsible; but

three successive and well-considered judgments, the Supreme Court of Shanghai decided otherwise. Yet, strange to say, Mr. Hart has appealed against those decisions to Her Majesty in Council. Can he have done so under a strong sense of the gravity of his position in reference to the Burlingame Mission, and with the hope of establishing, on lighter grounds, a precedent in his favor?

when the question of granting them a letter written directly from the Emperor to other crowned heads, indorsing the mission and requesting them to accept it, the whole traditional policy of the empire was interfered with; the supremacy of the Emperor as the son of Heaven, appointed from on high to rule mankind, was proposed to be practically ignored by his own officers. The propriety of granting the letter was stoutly opposed by many of the members of government, and I am inclined to think that the mission would have left the shores of China without it,¹ if it had not been for the precedent set by the Chinese government itself, and drawn out of it by the American ministers. In explanation of this remark it may be stated that it has been the usage among most of the foreign ministers accredited to this government not to deliver their letters of credence to the Emperor, because they were not permitted to do so in person; but the American ministers have chosen to hand them to the highest official they could meet, accompanied by an open translation. Replies to two of these letters having been issued, it was argued by Mr. Brown and Mr. Hart, (who, being officials themselves, in the employ of Government, were entitled to a hearing,) ² that if his Majesty could personally reply to a letter from the President to the United States without derogating from his authority or dignity, he certainly could write a letter to him with equal propriety. The question had been often discussed whether it was suitable in every respect for the American minister to transmit his letter of credence to the Emperor instead of delivering it in person, but the result has answered a purpose that one cannot object to, and has probably incidentally furnished a strong argument for those officers who, in a few years, must go further, and claim for him an audience at court.

I have read the translation of the letter addressed to the President, ³ and I am confident that you will not find anything in it savoring of the extraordinary assumption on the part of the Emperor, which runs through the two replies quoted in the other dispatch. It completes the full authority and authenticity of this new mission to the western world on the part of this ancient empire, the first, I believe, which it ever sent from its shores to other lands on a footing even approaching to equality. Previous embassies have been sent in a patronizing, authoritative style, requiring the rulers of other countries to humbly accept the envoys and

¹ This is a remarkable observation on the part of Dr. Williams. What can he have imagined the mission of a Mission, furnished with no Letter of Credence, to be? Or, knowing it to be mainly to throw dust into the eyes of North-America and Europe, is he of opinion, that the Hon. Mr. Burlingame, armed with a simple letter of recommendation from the Tsung-li Yamén, might have succeeded just as well?

² The apology is not a very ingenious one. If every official in the employ of the Chinese Government had been entitled to a hearing on the subject of the Letter of Credence, the Emperor might have lost his hearing before the close of the argument.

³ It will be remarked that, strange to say, Dr. Williams argues here throughout from Mr. Brown's translation of the Letter of Credence; stating that he read *that translation*, instead of the Letter itself.

⁴ Papers relating to Foreign Affairs, Washington, 1869, 8vo., Part i, pp. 502—3.

⁵ "All independent states negotiate with each other on terms of perfect equality.

behests of his Majesty; this goes to confirm and develop an intercourse mutually beneficial to all. Since its formation public opinion has been much divided as to its propriety, and some objectors have openly expressed their opinion that the whole affair has been got up by a few foreigners in Peking for their own advantage, and added their hopes that the western powers will reject it as a hybrid mission whose existence is an anomaly and its objects impertinent. Happily their number is few, and their clamour will, I think, meet with little attention.

I have the honor to be, sir, your obedient servant,
 HON. WILLIAM H. SEWARD, S. WELLS WILLIAMS.⁴
Secretary of State, Washington, D.C.

79. Now, the proper course for the Tsung-li Yamên to pursue, would have been to communicate officially to the Foreign Ministers in Peking copies of both texts of the Letter of Credence. Each Foreign Minister would then have caused it to be translated by the Interpreter of his own Legation, and, provided the document offered no reason for objections, have transmitted that translation to his Government; or else he might have required an official translation from the Tsung-li Yamên.⁵ Instead of this legitimate course being adopted, Mr. Brown had copies of the Chinese text and of his own "approved" translation of it, prepared for each Foreign Legation; took both together, personally, to the *Interpreters*, attached to those Legations; solicited their consent to his translation—a consent, which was given—; and by the Interpreters both the copies in question were submitted to the Foreign Ministers. By this irregular and underhand proceeding, the conspirators⁶ had thus far completed their measures to insure the attainment of their objects, and to remove the difficulties in their way, save the probable

All states are entitled to carry on their negotiations in their own language; but they cannot require that any other state shall adopt that language in treating with them... Great statesmen are not all great linguists; and the most masterly argument would appear poor and weak, perhaps absurd, in a language with which its author was not thoroughly acquainted. Thus, every state must grant the same privilege, which it takes. Sometimes, however, a translation may be required; for every state has a right to require that demands or explanations shall be presented to it in an intelligible manner...The plan generally adopted is for each party to use their own language, and for the ambassadors to annex translations of the documents he receives, on transmitting them to his own government".—"Embassies and Foreign Courts", pp. 265, 267.

⁶ "Conspirator. One who conspires with others for an evil purpose; a plotter. *Conspiracy*: A combination of men for an evil purpose; an agreement between two or more persons, ...for the purpose of wrongfully prejudicing another, etc.; a plot".—*Dr. Webster's "Illustrated Dictionary of the English Language"*, London (1869), 4to.

opposition, on general grounds, of the Foreign Ministers, and, thereafter, a possible reluctance to receive the Mission on the part of the Western Courts. Meanwhile, the originators had, by the falsified translation of the Letter of Credence, its acceptance by the Interpreters of Legation, and its transmission by the Ministers, rendered their scheme,—with all its emoluments and advantages, present and future, to themselves,—at least a possibility; the Tsung-li Yamén had, *vis-à-vis* of the Chinese Government, cast from its shoulders every serious responsibility regarding the enterprise, and greatly strengthened its own position; and the Imperial Court had obtained the prospective recognition by the Western Powers of their vassalage, and of the Divine claim of the Ruler of China to the Autocracy of the World.

80. Having thus explained the origin and the immediate objects of the falsified translation of the Letter of Credence, prepared by Mr. Hart and Mr. Brown, who, we are inclined to believe, kept the Hon. Mr. Burlingame in complete ignorance of the fact: all there remains in this place for us to do, is to enable the reader, by a comparative glance at the true version, the quasi-official translation, and the Chinese text, rendered word for word, to convince himself of the wilful and designed character of the falsification. The words and sentences in Mr. Brown's version, printed in italics, have been arbitrarily added by him to the text. Those, printed in antique, are positive and, with perhaps one or two exceptions, intentional mistranslations. The Commentary (40—73) should be referred to throughout.

TRUE LITERAL TRANSLATION.	MR. BROWN'S VERSION.	CHINESE TEXT RENDERED WORD FOR WORD.
The Great Exalted Monarch and Highpriest of the Great Ching Empire of the World to the Great Lady of the Great Tributary State Eng, condescending greeting.	His Majesty the Emperor of China salutes Her Majesty the Queen of Great Britain and Ireland.	大清國 皇帝 好 大 英 國 君主 Of the great the great (belongs to) (Tributary) State Eng Lady- [問] 好 Ching Empire (of the World) Monarch and High-priest of the great the great greets condescendingly

I THE EMPEROR, having with reverence received from Heaven the dominion of the Central and Outer World, one household; and graciously taking into consideration the durable and effectual unification of My well-affected Principalities,

In virtue of the Commission We have with reverence received from Heaven, and as China and Foreign nations are members of one family, We are cordially desirous of placing on a firm and lasting basis the relations of friendship and good understanding, now existing between Us and the nations at amity with China.

And as a proof of our genuine desire

have with this view chosen worthy, able and well-informed men, viz. the former United States' Messenger Burlingame, who, having temporarily sojourned in the capital, is thoroughly conversant with the relations of the Central and Outer States, and of whom, in the management of such business as has arisen out of the commercial intercourse of both States, I may expect that he will, on My behalf, discern that which is equitable and admissible, and that which is unfair and inadmissible: and together with him I have appointed Chih-kang and Sun-kia-ku, titulants of the second grade; for all of them to proceed together to the Great Tributary State Eng, in the capacity of Honorables, duly and specially chosen for this important trust, — a proof, that My sincere desire is a perfect concord.

for that object, We have specially selected an officer of worth, talents and wisdom, Anson Burlingame, late Minister at Our Capital for the United States of America, who is thoroughly conversant with Chinese and Foreign relations, and in whom, in transacting all business, in which the two Empires of China and Great Britain have a common interest, We have full confidence as Our Representative and the Exponent of Our ideas.

We have also commissioned Chih-kang and Sun-chia-ku, high officers, with the honorary rank of the second grade, to accompany Mr. Burlingame to England, where Mr. Burlingame with the two so appointed, will act as Our High Minister Extraordinary and Plenipotentiary.

朕 I, THE EMPEROR 寅 with
having received 天 Heav- domin-
the Central 外 the Outer ion of
(and) (World)
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hold; ciously
念 taking into con- 友 of (My)
sideration well-affected
邦 Principalities 承 the durable
(and)
敦 effectual 和好 unifi-
cation:

特 with 選 have 賢 wor-
this view chosen thy
能 able 智 well- (cunning,
informed sharp)
士 men (viz) 前 the former
having temporarily 京 the
sojourned in Capital
合衆國 United (Tri- 使臣
butary) States
Messen- 薄安臣 P'u-Ngan-Chên
ger-man (Burlingame)
熟 (who is) 悉 conversant
thoroughly with
中 外 (States') 情 tions'
Central (and of) whom in 辦理
sub- 於 (the out 國 States'
stance whom) in
the manage- 兩 (of) both
ment of commercial 涉 ari-
intercourse sen 事宜 busi-
ness,
交 I 期 expect 代 on My
may that behalf
達 he will discern that which is
equitable
曲 (and) that which
is unfair:
井 (and) together 派 I have
(with him) appointed
the 品 button 銜 titu-
second lants
志剛 Chih 孫家穀 (and) S'un-
kang kia-ku
同 (for) in company 赴 to proceed
together to
大 the 英國 (Tributary) 俱 all
great State Eng (as)
膺 fitly 特 on pur- chosen for 重
(and) pose
(this) 任 trust 大臣 Honor-
important at les.
以 there- 爲 giv- 寅 of (My) 心
by ing sincere
desire 和好 a perfect 據 the
for concord proof.

I, THE EMPEROR, know that these three servants, equally loyal discreet, incorruptible, and zealous, must be able to bring about a firm union; and I confidently expect that, mutually sincere, entire faith will be reposed in them, so that a permanent state of due concord may be arrived at, and peace and tranquillity may prevail on all sides.

Great, I am sure, must needs be the joy and satisfaction hereat.

The sixth year of T'ung-Chih, the sixth day of the 12th moon day of the twelfth month.

We have full confidence in the loyalty, zeal, and discretion of the said three Ministers, and are assured they will discharge satisfactorily the duties entrusted to them, and We earnestly request that the fullest credence and trust may be accorded to them, that thereby Our relations of friendship may be made permanent, and that both nations may enjoy the blessings of peace and tranquillity,

a result which We are certain will be deeply gratifying.

"Reign, T'ung-Chih.¹

朕 I, THE EMPEROR 知 know 此 these
三 three 臣 servants 均 equally
忠 loyal 勤 discreet 醇 incorruptible
謹 (and) 必 must 能 be able
辦 (and) 妥 a 協 union
務 (and) 望 expect 推
(and) reckon 誠 (myself) 相 recipro-
that sincere, cally so,
信 entire faith will be so 得 that
以 there- 永 perma- 臻 may be
by nently arrived at
友 (a state of) 睦 concord.
共 (and) on 享 may be 昇 peace
平 all sides enjoyed 昇 (and)
平 tranquillity.
諒 (I) am 必 must 深 great
為 sure 歡 the 悅 and satis-
也 be joy faction,
也 say.

同治 T'ung 六 the 年 year,
Chih, sixth
十二 the 月 month 初
of the first 六 the 日 day.
decade sixth

It will be seen from this, that the version, given by Mr. Brown and approved by Dr. Williams, Mr. Hart, and Dr. Martin, has not even a claim to the title of a translation of the Letter of Credence, delivered by the Hon. Mr. Burlingame from the Emperor of China to the Western Powers:—it is simply a diplomatic fraud.

¹ We shall find hereafter, that Mr. Brown desires "T'ung-Chih" to be taken for the name and signature of the Emperor.

§ 8.

OBJECTS OF THE MISSION.

81. The special objects, which were sought to be attained by the Burlingame Mission, are as various as its originating elements. Before attempting to indicate them, we will place before our readers the official Chinese explanation of its general purpose.

H.

Circular Despatch of the Board for the General Control of Individual States' Affairs to the Foreign Ministers resident in Peking, explanatory of the objects of the Burlingame Mission :—

照會事現在我

爲

大皇帝特派前任美國蒲大臣及本衙門之志大臣

孫大臣爲中國

欽差前往有約各國辦理中外交涉事務業經恭

錄

諭旨行知在案本王大臣猶恐

各國駐京大臣以中國一時同派

欽差三人將來與各國辦事無所適從今再將其

故詳細言明以免疑慮查兩國和好泰西各國

本互派使臣之事茲中國與

貴國和好有年早應

特派大臣前往辦理交涉事件惟因

各國言語風俗尙未諳習是以遲遲今因

蒲大臣公正和平熟悉中外情形願代中國辦事且爲中國所素信是以奏請

派爲前往有約各國之

次差大臣以柏德爲左右協理襄辦其事以專責成惟中國若無大員前往則將來仍不能諳習奉

使之事是以復請

欽派志大臣孫大臣爲

欽差一同前往旣彰和好兼資歷如果此行借重蒲大臣及柏德兩協理之力辦理諸臻妥協嗣後中國再有出使之事自然有轍可循易於舉辦至於所派之

欽差至

貴國時有應辦事件自應專向蒲大臣商議蒲大臣議有辦法應如何與中國總理衙門行文之處再由志大臣孫大臣與蒲大臣斟酌辦理

如此則事體周到兩無窒礙矣誠以

外國之言語情形蒲大臣熟悉其中

國之文理事體志大臣孫大臣熟悉

也此乃因時制宜創始辦法並非通

行常法即希將此意轉行

貴國執政大臣以便我

欽差行抵

貴國辦理時有所依據也須至照會者

右 照 會

大英國欽差入華便宜行事大臣

同治六年十一月十二日

How the respectfully transcribed Rescripts, by which our Great Exalted Monarch appointed the former agent of the Mey State, the Hon. P'u, together with the Hon. Chih, and the Hon. S'un, connected with this Board, to proceed as envoys of the Central State to the various States, bound by treaty, for the management of such business as has arisen out of the commercial intercourse between the Central (State) and the Outer (States), have been made known to you—stands on record. The Prince and the Ministers, however, apprehensive lest the Individual States' Ministers, who are temporarily sojourning in the Capital, should not understand how three persons, all at the same time appointed as envoys by the Central State, are to manage their Individual States-business, now once more address you in order to render their object perfectly clear, and to obviate every doubt and perplexity on the subject.

As on the part of two States, being at concord with each other, it is the custom of the several Western States mutually to appoint (Public) Messengers, so, your honorable State having for years past been at concord with the Central State, we should before this have appointed Officials to proceed thither for the management of interstatal business-matters; but owing to our being as yet little familiar with the languages and the usages of the various States, this has thus far been delayed. At present, however, the Hon. P'u, an impartial, straightforward, and peaceably disposed man, who is thoroughly conversant with the relations of the Central (State) and the Outer (States), is willing to act for the Central State, and as he, moreover, enjoys the confidence of the Central State, we have memorialised the Throne, praying that he might be appointed to proceed to the various States bound by treaty, in the capacity of an Imperial envoy,¹ with Pö and Tö for first and second Secretaries, to attend to the matter in question.

If, however, no officials of the Central State itself be sent, we should, as before, remain in ignorance of Mission-matters. Hence we further memorialised the Throne, praying that the Hon. Chih and the Hon. S'un might also be appointed Imperial envoys and proceed simultaneously, partly as a manifestation of good understanding, partly as an opportunity to learn by experience. For, should this prove to answer, on the strength of the influence of the Hon. P'u and the two Secretaries Pö and Tö, and all matters be satisfactorily and duly settled, then, if the Central State were, hereafter, to see occasion for another mission, the path to be followed would manifestly have been struck out, and the transaction of business be greatly facilitated.

Meanwhile, when our envoys shall reach your hon. State, and its time arrive for the transaction of business-matters, the Hon. P'u will alone have to be looked to in deliberating upon the nature of whatever arrangements may be proposed; while the Hon. Chih and the Hon. S'un, after communicating with the Hon. P'u, will have to conduct the correspondence, relating thereto, with the Central State's Board of General Control. Thus, the arrangements will be of a solid and complete character, and on both sides

¹ It will be observed that, in this despatch of the Tsung-li Yamén, the Hon. Mr. Burlingame, the same as his native co-envoys, are styled 欽差大臣 instead of 使臣, as in the Imperial Rescripts and the Letter of Credence. This distinction alone would show the impropriety of the latter designation.

be subject to no obstacle or impediment; the Hon. P'u being thoroughly conversant with the languages and the peculiarities of the Outer (States), and the Hon. Chih and S'un being not less intimately acquainted with the mode of correspondence and the essential relations of the Central State. After all, however, the present is but a first beginning in conducting this sort of business, adapted and suitable to the times, and is by no means to serve as a constant rule for the future.

We request, then, that you will transmit these views to your honorable State's Tributary-Service Officials in order that when, on the arrival of our envoys, the time for the transaction of business comes, they may have a basis to proceed upon:—A communication necessary for instruction (and guidance),

To His...Excellency [etc., as before].

The sixth year of T'ung-Chih, the 12th day of the 11th month (December 7, 1867).

DR. WILLIAMS'S TRANSLATION.¹

December 7, 1867.

(Prince Kung, chief secretary of state for foreign affairs,² herewith makes a communication)—His Imperial Majesty³ having seen fit to appoint Anson Burlingame, formerly minister⁴ from the United States with [the

¹ Papers relating to Foreign Affairs, Washington, 1869, Part i, 8vo., pp. 499—500.

² Dr. Williams misrepresents the despatch as written by Prince Kung: it is written, in the name of the Commission, of which he is the President, and in the third person. In the American Diplomatic Correspondence, Dr. Williams styles the Prince at one time: "Kung, a prince of the Imperial house and *secretary of the affairs of foreign nations*", which is approaching the truth; at another time: "Prince Kung, Secretary-in-chief for foreign affairs"; a third time: "Prince Kung, principal secretary of state for foreign affairs"; and more recently, as above: "Prince Kung, chief secretary of state for foreign affairs". The Prince is nothing of the sort. He is President of a Commission, charged with the General Control of the Affairs of those Tributary States of the Chinese Empire Universal, which are not included in the Central State, as to their commercial relations with the latter.

³ The text reads: "Our Great Exalted Monarch (and Highpriest)".

⁴ The text has, not 欽差大臣, but simply 任, "A man of trust", "an agent".

⁵ Instead of "two of the members of the Foreign office", the text has 本衙門之 "connected with this Yamén"; the position of the gentlemen in question being, as already stated, that of supernumerary clerks.

⁶ The text reads: "as envoys of the Central State"; not: "to be his envoys".

⁷ The text says nothing of "treaty Powers", but speaks of the "various (Tributary) States, bound by treaty".

⁸ The "authority", bestowed on the Mission is Dr. Williams's own. The text has no such word.

⁹ This is a wilful mistranslation, intended to confer, in combination with the interpolated Imperial "authority", general powers on the Mission. According to the text, its members are simply "to manage such business as has arisen out of the commercial intercourse between the (governing) Central State and the (dependent) Outer States".

¹⁰ The words "Imperial decrees", Dr. Williams has disconnected from the matter

Manchu] Chi-Kang and [the Chinese] Sun Kia-Kuh, two of the members of the Foreign Office,⁵ to be his⁶ envoys to proceed to all the treaty powers⁷ with authority⁸ to manage whatever affairs may arise between those countries and this,⁹ the imperial decrees conferring this authority on them¹⁰ were recently copied and sent to you.

But I am somewhat apprehensive that the foreign ministers in this capital,¹¹ learning that his Majesty has commissioned three persons at once thus to represent him,¹² will conclude that neither of them is to take the lead¹³ in conducting affairs with those nations,¹⁴ and I have therefore deemed it proper to explain the reasons of this course in order to remove all doubt upon this point.

It is the usage among all the great western powers,¹⁵ in the interests of peace and good will,¹⁶ to appoint envoys to go to each other's country to attend to any affairs that may arise;¹⁷ and it would have been proper, during the many years that peace has existed between your honorable country and this,¹⁸ for His Imperial Majesty¹⁹ to have, at a much earlier period, commissioned a high officer²⁰ to go there for the purpose of representing him²¹ and to attend to any affairs arising between us.²² But owing to our imperfect knowledge of the languages and usages of foreign nations,²³ this step has been delayed from time to time. Now, however, as Mr. Burlingame, a man of honor²⁴ and peace, and intimately conversant with

to which they refer, and arbitrarily here added to them the sentence: "conferring this (general) authority on them (the Members of the Mission)",

11 The text has: "the (Tributary) States' envoys, temporarily sojourning in the capital", namely, of the Ching Empire of the World.

12 There is not a syllable of "thus to represent him (the Emperor)" in the text, which speaks of envoys "appointed by the Central State".

13 There is, in the text, no question of any one of the envoys "taking the lead".

14 Nor does the text say: "in conducting affairs with those nations", but "to manage their Individual (Tributary) States-business".

15 The text speaks of "the several Western (Tributary) States; not of "all the great western Powers".

16 Instead of: "in the interests of peace and good will", the text, in reference to the several Western (Tributary) States, reads: "being at concord with each other",

17 The text says nothing of "to attend to any affairs that may arise",

18 The phrase: "during the many years that peace has existed between your honorable country and this", "conveying the impression of a state of peace between two independent countries being spoken of, reads in the text: "your honorable (Tributary) State having for years past been at due (obedient) concord with the Central State".

19 "His Imperial Majesty" will not be found in the text,

20 The text reads 大臣, not "a high officer", but "officials" of a certain rank, such f. i. as Pin (Note 6, page 10, above), and men of his class.

21 The words: "for the purpose of representing him (the Emperor)" are not in the text.

22 Instead of: "to attend to any affairs arising between us", the text reads: "for the management of interstatal business-matters".

23 For "foreign nations", the text has: "the various (Tributary) States".

24 "A man of honor" the text has not. It is an idea, we fear, altogether foreign to Chinese statesmen and diplomatists. Certainly such a person would hardly have

our intercourse and relations with other countries¹—one, too, with whom the officers of this government have long had acquaintance and confidence²—is willing to act on behalf of China³ in attending to her interests,⁴ a memorial was presented to his Majesty⁵ requesting that he might be appointed imperial commissioner to all the treaty powers,⁶ and that Messrs. Brown and Deschamps might be also appointed, to be first and second secretaries of legation,⁷ to aid him in conducting its duties and accomplishing its purposes.⁸

But if no high officers are sent on the mission from China⁹ also, there will hereafter be no one sufficiently acquainted with the necessary details to be qualified to receive the post of envoy;¹⁰ and this consideration induced the Foreign Office again to request his Majesty¹¹ to appoint both Chi and Sun as his imperial commissioners, to go at the same time. This arrangement would manifest the good feeling existing, and be moreover a means of giving them practice and experience in their duties. If they could, in this way, add to the efficiency and dignity of Mr. Burlingame and his two secretaries, then the completeness of the mission for its duties would be all

suited their objects. They required a man, above all 智, knowing, smart,—in either sense of these terms,—and somewhat unscrupulous to boot.

¹ "With other countries". The text speaks of the relations of "the Central State with the Outer (Tributary) States".

² In lieu of "one, too, with whom the officers of this Government have long had acquaintance and confidence", the text reads: "and as he, moreover, enjoys the confidence of the Central State".

³ For "China", the text has: "the Central State".

⁴ "In attending to her interests", is an addition of Dr. Williams's.

⁵ The expression of the text is: "to the Throne".

⁶ Instead of "all the treaty powers", the text reads: "the various (Tributary) States, bound by treaty".

⁷ The text has simply "secretaries".

⁸ The words: "to attend to the matter spoken of", referring to the Hon. Mr. Burlingame, are by Dr. Williams, referred to the secretaries "of legation", and rendered: "to aid him in conducting its duties and accomplishing its purposes".

⁹ The text reads: "the Central State".

¹⁰ Instead of: "there will hereafter be no one sufficiently acquainted with the necessary details to be qualified to receive the post of envoy", we find the text to state only: "we should, as before, remain in ignorance of Mission-matters".

¹¹ The words of the text: "Hence, we further memorialized the Throne", are by Dr. Williams rendered: "and this consideration induced the Foreign Office again to request His Majesty".

¹² The sense of the whole of this paragraph would seem to have been misapprehended by Dr. Williams. Compare our translation.

¹³ Does Dr. Williams hold the Chinese Government to be an old woman, that he styles it "she"; and are the Members of the Burlingame Mission not "her" envoys?

¹⁴ The translation of the entire sentence is something more than free.

¹⁵ The text bears hardly a trace of Dr. Williams's version. Instead of: "Everything, however, that relates to the duties of imperial commissioner in the United States will devolve alone on Mr. Burlingame, and his decision will be final", we read: "Meanwhile, when our envoys shall reach your honorable State and its time arrive for the transaction of business-matters, the Hon. P'u will alone have to be

that could be desired.¹² When this government at a future day desires to send her own envoys,¹³ she will then have precedents to follow, and it will be easier to prepare them for their duties.¹⁴ 8.10.5. 1906

Everything, however, that relates to the duties of imperial commissioner in the United States will devolve alone on Mr. Burlingame, and his decision will be final;¹⁵ but the correspondence with the Foreign Office at Peking¹⁶ will properly devolve on the two Chinese commissioners, who will at all times consult with Mr. Burlingame in attending to their duties.¹⁷ In this way the requirements of the entire legation¹⁸ will be provided for, without difficulties to any part of it. As one of its members¹⁹ understands the languages and peculiarities of all the countries he will visit,²⁰ so do the other two as fully comprehend the language and affairs of China.²¹

This arrangement is, however, rather a temporary one, applicable at the initiation of the mission,²² and is not designed to serve for a constant rule in future. I have, therefore, to request that you will inform the Secretary of State²³ of these particulars, so that when these imperial

looked to in deliberating upon the nature of whatever arrangements may be proposed". No power of decision or any power whatever is here, even by the Tsung-li Yamén, attributed to the Hon. Mr. Burlingame. He is simply expected to *deliberate* with "Outer" statesmen, and, through his native co-messengers, to cause the results of such deliberations to be submitted to the Tsung-li Yamén.

¹⁶ Dr. Williams converts "the Central State's Board of General Control" namely of the Affairs of the American, European and other Chinese Dependencies, comprehending, exclusive of China Proper, the entire habitable Earth, into: "the Foreign Office at Peking".

¹⁷ The text states nothing of the kind. It only says that, naturally, the Chinese colleagues of the Hon. Mr. Burlingame will have to communicate or consult with him, before they can report to the Tsung-li Yamén the results of his deliberations.

¹⁸ "The entire legation" is an addition of Dr. Williams's pen.

¹⁹ The text has: "the Hon. P'u", instead of "one of its members".

²⁰ We fear the Tsung-li Yamén must have been sadly misled by some one as to the extent of the Hon. Mr. Burlingame's linguistic acquirements; so far as we know, the only language he speaks, is the American. Instead of "all the countries he will visit", the text has: "the Outer (Tributary) States".

²¹ For "China", the text reads: "the Central State". It is essential to keep up the distinction; because the former expression implies the European idea of one of the numerous independent countries of the World; the other the Chinese idea of the one Terrestrial Empire's Governing State.

²² Dr. Williams's translation of this sentence is very inexact. The text says nothing of "the initiation of the Mission".

²³ Instead of "the [North-American] Secretary of State", the text reads: 貴國執政大臣 "Your hon. (Tributary) State's tribute-service managing Honorables" (officials of a certain rank, f. i. such as Pin, Note 6, page 10). This insulting designation Dr. Williams converts into "Secretary of State". Dr. Morrison (Dictionary of the Chinese Language, *sub voce*) interprets: "政 To serve; to render a kind of tributary service to the Government; to be ruled or governed". Dr. Legge, who takes the character in the sense of "government", and translates, as we have seen 庶政: "the various departments of government" (64, Note 5, p. 125), instead of: "the various Tributary States"; and 邦政: "the military administration of the

commissioners reach the United States to transact the business of their mission, he will be fully aware of their position and relative duties.¹

His Excellency S. WELLS WILLIAMS,

*United States Chargé d'Affaires ad interim.*²

82. In the preceding section we have explained the grounds, which rendered the falsified translation of the Hon. Mr. Burlingame's Letter of Credence imperative, unless the scheme of the Mission was to be altogether abandoned by its promoters. It is, therefore, obvious that the necessities of the case would have been only partially met, had not also the versions of the despatches from the Tsung-li Yamên, bearing on the subject, been adapted to the fictitious tenour given to the Credentials. Hence the corresponding discrepancies between our rendering of the two documents, marked B and H, and their corrupt official rendering by Dr. Williams. We shall have to revert to the latter; but cannot refrain in this place from calling special attention to the gratuitous insult, which the Tsung-li Yamên adds to those of the Emperor, in designating the Western Secretaries of State for Foreign Affairs as Officials, charged with a branch of the public service, which, according to the Yamên, relates to the duties of the North-American Republic and the European Empires and Kingdoms as *Tributary Dependencies* of the Chinese Autocracy of the World. The offence is the greater, as the now rarely used term, employed by the Tsung-li Yamên, applies to a state of serfdom rather than of vassalage. In China, we have seen that, under the Chow dynasty, "the Master of the Horse" had charge of this tribute-service, 政; because the contributions in kind and labor were then under military supervision.

X 83. The explanations, offered by the Tsung-li Yamên in Empire" (63, Note 7, p. 123), instead of: "the tributary affairs of the Principalities", has altogether misapprehended the meaning of the term. 執政大臣 signifies here, and is intended to signify: the Official, charged with the management of a branch of the public service, which, according to the Tsung-li Yamên, is devoted to the relations of the United States, England, France, Prussia, etc., respectively, as *Tributary Dependencies* of the Chinese Empire Universal.

¹ The whole of this sentence is again mistranslated by Dr. Williams. The concluding phrase: "A communication, necessary for the instruction and guidance" of the Foreign Minister addressed, he omits.

² The direction of the despatch is: "The preceding instruction for the Great-American Hon. Wei [Williams] Imperially appointed to enter China Proper with authority to transact business". Dr. Williams transcribes it: "His Excellency

the despatch, just communicated, throw no further light upon the essential objects of the Burlingame Mission, which are here represented in perfect conformity with the previous despatch B, the Imperial Rescripts, and the Letter of Credence. These objects, however, may be classified as follows, viz.:—
On the part of the Chinese Government: to obtain from the Western Powers, by the reception of its Messengers and the Imperial Letter of Credence, their public recognition of the Chinese Autocracy of the World; of the divine character and authority of “the One Ruler of the Earth”; and of the subjection of the Chief Magistrate of the North-American Republic and the Sovereigns of Europe, as feudal lords of Chinese Principalities, to the Tatar Empire Universal. The Government,—i. e., the Emperor, and, during his minority, the two Empresses Dowager,³ and the Privy Council,⁴—had no other interest in the Mission, the responsibility of which it declined. In this object, by the attainment of which the reigning dynasty to a great extent re-established, in the eyes of China, its lost prestige, and laid the foundation of a strong anti-foreign feeling, every promoter of the Burlingame Mission, its Chief excepted, must be held to have participated.
On the part of the Tsung-li Yamén. It is the general opinion, originated by the Interpreters in Peking and Mr. Hart, that the Members of the Tsung-li Yamén represent the pro-foreign political party, for the time being in possession of the Government. There is no such a party in China; nor is the Tsung-li Yamén the Chinese Government. It is, as we have already explained, a Commission of high Officials, presided over by Prince Kung, originally appointed

S. W. Williams, United States Chargé d’Affaires *ad interim*”. He, who is thus prepared to construe a set phrase, conveying a national insult, into a personal term of honor, may, for what we know, be an exemplary Missionary; but he can hardly be a loyal subject.

³ Of the two Empresses Dowager one was the wife of the late Emperor Hsien-Fêng, and the other one of his concubines. The latter, being the mother of the reigning Emperor, after his father’s death was raised to the rank of wife. A woman of unusual abilities, she virtually performs the duties of Regent.

⁴ The 內閣, literally “the Inner Council”, is most correctly rendered “the Privy Council”. The proper meaning of 內 is here “within”, viz. “within the Imperial Palace”: the Privy Council alone having its 衙門 Yamén or Office in the Palace.

by the Government to conduct the negotiations with Lord Elgin and Baron Gros; and from that time continued as a temporary Board, whose chief duty consists in the settlement of commercial and other difficulties, created by the "Outer" Dependencies of the Ching Empire Universal (28). Its members are no more pro-foreign and progressive, than are the members of the Privy Council, of which Prince Kung and Wên are themselves members; but being entrusted with "the General Control of Individual States' Affairs", and the necessities and exigencies of the situation compelling them to yield passing concessions to "the Western barbarians", they have to incur the ill-deserved odium of progressive and pro-foreign tendencies. If they themselves profess, as they do from policy, such tendencies to the foreigner, it is only the easier to blind and deceive him. To deceive and blind the Western Cabinets as to the true policy and intentions of the Chinese Government, the real disposition of the Chinese people, and the actual condition of the Chinese State; to warn them of dangers which have no existence, and to excite hopes of projects which are not intended to be carried into effect; in short, by false representations of every kind to misguide the judgment of Western statesmen, and to induce them to adopt a policy towards China, which *will leave China to herself, and give her time to gather strength*: these are the principal objects of the Burlingame Mission, as contemplated by the Tsung-li Yamên. And gather strength to what end? To the end that, as we have previously observed, China may be enabled to drive the "outer barbarian", who has invaded her seclusion, forced improvements upon her weakness, and threatens with the further development of her resources, her industry, and her natural wealth, from the polluted soil of her isolation back into the sea. For, such is the fervent desire, the cherished dream, which the Chinese Government, counselled by Mr. Hart, encouraged by its astrological superstitions, and under the hallucination of its boundless conceit, is pursuing with all its energy, and to the accomplishment of which it has devoted, for military preparations, nearly the whole of the maritime customs-revenues, levied on Foreign commerce, these several years past. How soon those plans may assume a tangible form: who can tell? "A European

war", Mr. Hart is known to have stated in a moment of confidential weakness, "a European war will be China's opportunity". Also in the general objects, aimed at by the Tsung-li Yamên in setting on foot the Burlingame Mission, every promoter of the scheme must be held to participate. The special object of its Members is partly to strengthen their position and influence, as Members of the Privy Council or other Boards, partly to insure the continued enjoyment of the emoluments, attaching to the office,—a point which, with Chinese officials, outweighs every other consideration. *On the part of the Hon. Mr. Burlingame* The last remark, however, does not apply to Chinese officials alone. On the contrary: even in the unscrupulous love of money they have their superiors. As yet at least, no Chinaman is known to have sold his confidential advice, purposing the injury of his country, to a foreign Government, nor his services, restraining the progress of civilisation, to a barbarous people. The chief considerations of a personal nature, which induced the Hon. Mr. Burlingame to change his representative character, and to personate the masked form of the Emperor of China at Western Courts, were, no doubt, the high "rate of pay", fixed for the performance by the Irish Inspector-General of Chinese Maritime Customs (19), his *suite* of about thirty persons, the sensational novelty of "the affair", and last, not least, the hope, by bringing, at the expense of the Chinese Government, his name prominently before the American public, to pave his way to the Presidency. We will, however, do him the justice to add, that he combined with these personal considerations, apart from his participation in most of the objects of the Tsung-li Yamên, the political aim of securing for the United States a preponderating influence and a territorial footing in China, and of having persuaded himself, that such an aim was obtainable by such means. *On the part of Mr. Hart.* Independently of the objects of the Chinese Government and the Tsung-li Yamên, in which Mr. Hart fully participates, his personal objects in scheming the Burlingame Mission, were to gratify his love of power, to expand his influence, and to extend the sphere of his patronage, perchance, for political purposes of his own. The general tendency of such

purposes we can only infer from the tendencies of his political views and his Fenian sentiments; and what dreams, besides that of the Presidency of the United States for the Hon. Mr. Burlingame, those two plotting spirits, as unreasonably sanguine as extravagantly ambitious, may have indulged in during their nightly conclaves, held in the summer of 1866 at the Inspectorate-General of Chinese Maritime Customs in Peking: who would dare to imagine? Certainly, were Mr. Hart permitted to carry out his "far-reaching" plan of appointing, for the Central State, Ambassadors and Ministers to all the Western Courts, Consuls-General and Consuls at all the Western ports, of those "well-affected Principalities", which are "bound by treaty" to the Central Government of the Ching Empire Universal, he might, by selecting men, who would be either his associates or his instruments, succeed in investing himself with an amount of power for mischief, from the temptations of which it will be as well to preserve him.

On the part of Mr. Brown, Dr. Williams, Dr. Martin, and others. The personal inducements, which led these gentlemen to enter into, and support, the scheme of the Burlingame Mission, may be assumed to be chiefly restricted to the immediate pecuniary and dignitary advantages, derived from its realisation, or the prospects of a future share, more or less brilliant, in the Ambassadorial and Consular appointments, held up to them, with a liberal hand, by the author of "Note on Chinese Matters". Possibly their ambition rose higher. We have no wish to follow it in its flight.

§ 9.

THE MISSION, AS BASED ON DIPLOMATIC FRAUD, AND A
CONSPIRACY AGAINST THE SOVEREIGN-DIGNITY OF THE
WESTERN POTENTATES AND THE INDEPENDENCE
OF THEIR STATES.

84. From what precedes, it must have become abundantly manifest to the reader, that the Burlingame Mission, although originally planned by the confidential adviser of the Tsung-li Yamên, Mr. Hart, for the purpose only of throwing dust into the eyes of Europe, of gaining time for the Chinese Government to prepare an armed resistance to the just demands, urged upon its stagnating policy by the spirit of Western Progress and Civilisation, and of securing certain commercial and fiscal advantages to China at the expense of England, assumed from the first moment of its prospective realisation the graver character of a diplomatic fraud and a conspiracy against the dignity of the Western Sovereigns and the independence of their States. When our first inquiry into the real tenour of the Hon. Mr. Burlingame's Letter of Credence had led to some remarks on the subject at one of the *réunions* in Peking, at which Mr. James B. Robertson was present, and that gentleman, without any further knowledge of the whole matter, in his communication of the 14th July 1869 to the "Daily News", had as on his own authority stated "the fact that Mr. Burlingame's Credentials, as it appears now, were drawn up in the old form, accrediting him to the Western Governments as tributary states, although this objectionable feature does not seem to have been reproduced in the translation"¹: there appeared, we are given to understand, a letter

¹ "Three Letters, addressed to 'The Daily News', on the Political Situation in China", by James Barr Robertson, Shanghai, 1869, 8vo., p. 9. There is this notice prefixed to the pamphlet: "The following Letters were dispatched to 'The Daily News', and subsequently, without waiting for their publication in London, it was deemed advisable to print them in the 'North-China Herald', as a contribution to the discussion of China questions in Shanghai". Considering that the spirit of these letters is almost diametrically opposed to that of his previous letter to the "Daily News" of January 8, 1867, communicated in the Appendix, the author could hardly expect the London journal to publish them in its columns. They were rejected.

in "The Times" from Mr. Brown, the First Secretary of the Burlingame Mission, to the effect that, to question or doubt the fidelity of his translation of the Credentials, attested by so many distinguished sinologues, he judged to be simply an act of absurdity. We have not seen that letter; but it appears to be in reference to it that the leading London Journal, in an article of September 2, 1869, makes the following observations: "We are glad to receive a contradiction of the alleged fact that the Chinese text of Mr. Burlingame's credentials differed from the foreign version, and appointed him Envoy to a tributary nation. On the face of it, it may seem a silly thing to be solicitous about the disavowal of absurd pretensions, such as this reported claim of the Chinese Government to style all other Powers its vassals. If the Chinese were, indeed, all possessed of common sense, the presence of British, French, and American war-ships on their principal rivers might be left to purge away gradually the delusion. But if they were all possessed of common sense, their Government would not be apt to make such claims. As it is, names and titles are of real significance to the Provincial Chinese mind, as appears from the pertinacious clinging of their rulers to the pettiest ceremonial distinctions; and what any nation attaches great importance to, other nations cannot afford to leave out of sight in regulating their relations with it. It was not, in fact, at all impossible that the politicians at Peking might have ventured to make the Chinese text of the Mission's credentials a channel for representing to the Provinces the Western Powers as tributaries of the Empire, and their fleets as mere auxiliaries. Probably the plausibility of the story is its origin. *The object of the present policy of the Western Powers, which is to compel the Chinese Government to enforce of itself respect for their flags among its subjects, would, at all events, have been defeated or prejudiced by the propagation of such a fiction with the apparent assent of the Treaty Powers themselves.* It is a matter of serious congratulation, therefore, that the authority of various most distinguished Anglo-Chinese scholars, who have collated the Chinese text and the translation, agrees in asserting the accuracy of the version and the absence from the original text of the suspected pretensions". We judge it the more satisfactory that

"The Times" appreciates the bearings of these pretensions so correctly, and takes so sound a view of the subject in general; because it justifies us in anticipating that, with the Burlingame Mission-plot in all its features placed before the public, that powerful organ of public opinion will use its influence to cause a thorough investigation, parliamentary and judicial, to be instituted into it, and to render the conspirators amenable, not to public opinion alone, but to the laws of their respective countries as well.

85. In a tangible form the plot in question dates from the falsification of the Imperial Letter of Credence in its English version. The text of the Letter, indirectly suggested by Mr. Hart and Mr. Brown to the Chinese Government, was granted by the latter as the only basis, on which it consented, generally, to the Burlingame Mission; holding the Members of the Tsung-li Yamén personally responsible for its special results. That basis,—the public recognition, on the part of the Western Powers, of their vassalage and the Divine and Universal Supremacy of the Emperor of China as the sole Ruler of the World—became now the object, which, by means of diplomatic fraud and with a view to personal advantages, Mr. Brown and Mr. Hart, in combination with the Tsung-li Yamén, Dr. Williams, Dr. Martin, and others, sought to, and did, accomplish. Hence the conspiracy, sufficient proof of which, partly in, or attested by, the handwriting of the plotters themselves, has already been adduced or will be further given, admits not even of the shadow of a doubt; and that they acted in concert with the Tsung-li Yamén, and through it, with the very Government, which was usurping the sovereign-rights of Western Powers and the Crowns of European Princes, is equally manifest from the documents and the facts, communicated by us in the preceding section.

86. The foremost place among the plotters, although in reality due to Mr. Hart, has to be assigned to Mr. John McLeavy Brown, on account of his having assumed the personal responsibility of the falsified translation of the Hon. Mr. Burlingame's Letter of Credence, on the strength of which the Mission was received by the Western Courts. Mr. Brown's position at the time was a very anomalous one. While in the British Service, as Assistant Chinese

Secretary and Private Secretary to the Minister, he had, without the consent or knowledge of his Chief, intrigued for and accepted, at a trebled salary, the appointment of First Secretary to the Burlingame Mission, under the Celestial Government; publicly maintaining, in answer to certain remarks, that "he was determined to accompany the Embassy, whether Sir Rutherford consented or not". It was only subsequently that leave of absence for that purpose was given to him by the British Minister. In the capacity of Secretary to the Chinese Mission, Mr. Brown's sole duty was to faithfully render the Letter of Credence into English for the use and information of the Hon. Mr. Burlingame. What was the course, pursued by him instead, has been stated already (78-79). In this course, so strongly characterised by illegality and disloyalty, it is not unreasonable to assume that, to some extent at least, he allowed himself to be guided or influenced by his Fenian tendencies (36). Though not known as a Chinese scholar, Mr. Brown's intimate acquaintance with the Chinese language and his position as Interpreter, render it impossible, independently of the internal evidence of his translation of the Letter of Credence, to attribute that translation, as a whole, either to linguistic ignorance, or even to carelessness in translating of the grossest kind. However reluctantly we may do so, we are positively constrained to arrive at the conclusion, that the quasi-official version of the Hon. Mr. Burlingame's Credentials is a wilful falsification of the Chinese text. Indeed, if a last doubt upon this point could still be found to linger in the mind, it must be dispelled by a consideration of the circumstances, which induced the falsification (78), and the personal advantages, which Mr. Brown expected to derive from the realisation of the Mission-scheme,—advantages, not restricted to a large temporary salary and a visit to the principal European Courts in an official capacity, but including the prospect of a permanent, and possibly high, diplomatic appointment in the Chinese service hereafter¹. He has even gone so far, it would seem, as to add to the copy of his translation, officially presented to the Washington Cabinet, the signature of "T'UNG-CHIH", as

¹ Compare Mr. Hart's "Note on Chinese Matters" in the Appendix; also the Imperial Rescript of T'ung-Chih V, x, 2, a translation of which is published in "The North-China Herald" for August 18, 1870.

though 'T'ung-Chih' were the Emperor's name, signed by him to the original².

87. The first sinologue, "approving" Mr. Brown's falsified version of the Letter of Credence, is Mr. S. Wells Williams, L.L.D., Secretary and Interpreter of the American Legation, and at the time United States Chargé d'Affaires *ad interim*. Dr. Williams is one of the oldest American residents in China; having been appointed, in 1832, by the American Board of Commissioners for Foreign Missions, Printer to the China mission at Canton. He resigned his connection with the Missionary Society, soon after his promotion as Secretary and Interpreter of Legation for the United States, in 1856³. As the author of various articles in "The Chinese Repository", which was printed and partly edited by him, of "The Chinese Commercial Guide" in its revised form, of "A tonic Dictionary of the Chinese Language in the Canton dialect", and of "The Middle Kingdom",—a work which, though abounding in deficiencies and errors, contains yet the fullest and most reliable general account of China, at present available to the Western public,—Dr. Williams is favorably known in Europe and, not undeservedly, regarded as a high authority upon all matters connected with the Celestial Empire. How fully aware he is of the pretensions of its Rulers to Universal Supremacy, we have learned from himself (24). To attribute, therefore, his approval of Mr. Brown's falsified translation of the Letter of Credence to an insufficient knowledge of the Chinese language, and a misapprehension of the political claims of "the Son of Heaven", is out of the question. On the other hand, Dr. Williams continues to take so deep an interest in Missionary matters, and bears so excellent a moral and religious character, that it is difficult to believe him to have given the sanction of his name to what he *knew* to be a diplomatic fraud, and to have lent himself to a plot which, whatever disadvantages to England and whatever advantages to his own country it might aim at, would yet reduce the President of the United States, legally and diplomatically speaking, to the position of a petty vassal of the Emperor of China, and the

² See below. Compare also Note 1, to § 80, p. 162, above.

³ A. Wylie, *Memorials of Protestant Missionaries to the Chinese*, Shanghai, 1867, 8vo., p. 76—79.

great and free American Republic to that of a province of the Empire Universal of the Ching. Perhaps the solution of the problem is to be sought in the unharmonious admixture of the missionary and the diplomatic character, combined in Dr. Williams. It is bad enough when religion has to serve the end of politics; it is worse when diplomacy is made to serve the ends of religious prejudice. "Whatever", Dr. Williams, as Chairman of a Missionary Conference held in Peking on the 4th August 1869, is reported to have said,—“Whatever may be the design of politicians, the embassy which not long since left Peking to represent China at the seats of governments in the West, is among the plans of Providence to bring this nation to the knowledge of the truth”.¹ From the lips of a political Representative of the United States, these words savour so strongly of missionary fanaticism, that we can imagine the speaker, under the delusion to which he gives utterance, ready and willing to subordinate every other consideration to the fixed idea of carrying out “one of the plans of Providence”, though revealed to Dr. Williams in the strange form, and couched in the remarkable language, of the Burlingame Letter of Credence; though realisable only by means of a diplomatic fraud, and to the dishonor of his insulted country, in the eyes at least of “nearly one half of the human race”. The dishonor and the insult, perchance, he calculated, would never become known in the United States; perchance, too, those often repeated disappointments of advancement in the American service, which cannot but have produced a bitter feeling of neglect, on the one hand,² on the other the brilliant prospect of Chinese ambassadorial establishments, may have had their share in overcoming his scruples.

¹ “The Chinese Recorder and Missionary Journal”, Foochow, 1869, vol. ii, 8vo., p. 75; “The North-China Herald” for September 2, 1869.

² Already in his despatch of May 25, 1866, Dr. Williams wrote to the U. S. Government: “I have the honor to inform you that I have this day received a notice from Mr. Burlingame, dated May 6, stating that he placed me ‘in charge of the Legation of the United States in China, and authorized you [me] to conduct the same during my [his] absence, or until the wishes of the Government may be further known’. I have accordingly notified the Chinese authorities that I have taken charge of the legation. *It is the fourth time I have held the position since my appointment in 1855*”. (Papers relating to Foreign Affairs, Washington, 1866, Part ii, 8vo., p. 450.) The hint, thrown out by Dr. Williams, though a strong one, was not taken. He

However this be, it is a palpable fact that, ever since the arrival of the Hon. Mr. Burlingame in China, there is a marked change of spirit observable in Dr. Williams's official translations of Chinese state-papers, favorable to the Tatar Government; that he has approved Mr. Brown's falsified translation of the Burlingame Letter of Credence, knowing that translation to be falsified³; that he has done so in his official capacity of *Chargé d'Affaires ad interim* for the United States, thereby involving his own Government in the falsification, while necessarily conscious of acting in positive opposition to his diplomatic duty: which was, *not* to "approve", in the name of the American President, any version of any Chinese document submitted to him by the Secretary of any Chinese Mission, but, as sworn Interpreter of the United States Legation, to faithfully and accurately render into English any Chinese state-paper, duly communicated to him, and, as *Chargé d'Affaires*, to conscientiously report upon and transmit it to his Government; that he has, moreover, himself made a wilfully falsified translation of certain despatches of the Tsung-li Yamén relative to the Burlingame Mission (23, B; 81, H), so as to bring their contents into accordance with Mr. Brown's falsified translation of the Letter of Credence, approved by him; and that he has, conspiring with Mr. Hart, Mr. Brown, and others, by the means just alluded to and by giving a false colouring to his own despatches (7, 78, 81), misinformed and misled his Government, and induced it to receive, on the ground of a falsified version of his Letter of Credence, the Hon. Mr. Burlingame as the duly accredited Minister Extraordinary and Plenipotentiary of China,—which he was not—; and thus publicly (though unwittingly) to acknowledge the vassalage of the United

was since twice more appointed *Chargé d'Affaires ad interim*. This shows both that he has met with unfair treatment by the American Government, and that the United States Legation at Peking is, as to its *personale*, in a condition unworthy of a great people.

³ Independently of all other proofs to that effect, Dr. Williams has clearly betrayed himself by endeavouring to smite his conscience, in writing to the American Government: "I have read the translation of the Letter addressed to the President and I am confident that you will not find anything in it savoring of the extraordinary assumption on the part of the Emperor, which" etc. (See above, p. 158). What could be more jesuitical? Jesuitism is the natural product of a fusion of certain principles of theology and diplomacy.

States as one of the Principalities of the Ching Empire of the World, and of the American people as the subjects, not to say the serfs, of the One absolute Ruler and Lawgiver of Mankind, whom we "barbarians", in our ignorance, are wont to designate "the Emperor of China".

88. The second signature of approval to the quasi-official English version of the Letter of Credence is that of Mr. Robert Hart, Inspector-General of Imperial Chinese Maritime Customs; and the first question, which it suggests, is: How does the name of a Collector of Maritime Revenue, residing on sufferance in the Capital instead of one of the Treaty-ports, come thus to appear in a Chinese state-paper? Is Mr. Hart, like Dr. Williams, a sinologue of high repute, or, like Stanislas Julien, a Chinese scholar of European renown? By whose order was Mr. Brown's translation submitted to him, and by whom was he asked for his "approval"? Mr. Hart delights in "keeping in the background". Originator of the Burlingame Mission, and instigator of the plot to carry it into effect by fraud, he contents himself with the unseemingly rôle of second approver. What is partly cowardice—*i. e.* absence of moral and physical courage—, partly calculation on his part, his friends construe into modesty; and it suits him to adopt the mask, albeit he knows not how to wear it. It sits ill at ease on his face. And if "keeping in the back-ground" has on one occasion to be judged more prudent than on another, this, surely, was such an occasion. The Hon. Mr. Ross-Browne had not as yet published the Inspector-General's "Note on Chinese Matters", and Mr. Hart still wished it to be believed that the Burlingame Mission had started into being without his agency, and was the miraculous growth of a brilliant idea, which an undigested dinner had all at once suggested to Prince Kung. But, having neither the reputation of being a Chinese scholar, nor any claim to such a reputation,—although a fourteen-years' residence in the country and the duties of his office have necessarily given

¹ Mr. Hart is anything but a man of parts. His general knowledge is unusually restricted; his views narrow in the extreme; his judgment twisted and ill-formed. He is slow rather than quick of perception. His own language he writes with singular inelegance, and want of both force and lucidity. Undoubtedly he possesses certain

him a fair acquaintance with his own particular branch of Celestial linguistics¹—: by attaching his signature, as approver, to Mr. Brown's falsified translation of a Chinese state-paper, knowing that translation to be falsified, he stepped out of the obscurity of his proper sphere into the light of diplomatic intrigue and conspiracy; and thus betraying himself, has himself supplied the first tangible proof of his complicity. These proofs have since multiplied. The chief motive, to be assigned for the prominent part taken by Mr. Hart in a plot, directed against the sovereign-dignity of the Western Potentates in general, and that of Our Most Gracious Sovereign the Queen of England in particular, as well as against the independence of their States, is his ambition, personal and political, combined with his strong Fenian sympathies. That, neglecting the dictates of prudence, he attested the pretended accuracy of the quasi-official Letter of Credence at all, was a matter of necessity rather than of choice on his part. The plotters were few; no other sinologue would have lent the authority of his name to Mr. Brown's version; only two signatures of approval, and both of them American, could not but appear insufficient, and might have given rise to suspicion; and, moreover, we are entitled to assume that neither Dr. Williams nor Dr. Martin would have been found willing to accept a responsibility, which Mr. Hart had declined for himself. What, under these circumstances, could he do but join his comrades? He did so as approver "head-central" (37, c); and by his signature to the falsified translation of the Letter of Credence rendered himself, for the share taken by him in the conspiracy, amenable to the laws of England.

89. "W. A. P. Martin, Professor of Hermeneutics and Translator in the Imperial College, Peking", is the third and last signature, approving Mr. Brown's falsified translation of the Hon. Mr. Burlingame's Letter of Credence, Dr. Martin knowing that translation to be falsified. The Rev. gentleman, is a greater pluralist than he confesses to on this occasion. Already then

natural abilities; but has had neither the time nor the opportunity to cultivate them. From the Belfast College he came directly to China, quite a young man. In Europe he would hardly have succeeded in raising himself above the level, to which he was born.

he held the distinction and the titles which, in a work on Natural Philosophy and Chemistry published soon afterwards, he adds to his name, viz: "D. D., Professor of Hermeneutics, Political Economy, and International Law, in the University of Peking". More recently he has had conferred on him the additional charge of "President of the T'ung-Wên-Kuan", in which he was theretofore a teacher. We shall see hereafter that the "T'ung-Wên-Kuan", "the University of Peking", and "the Imperial College, Peking" are all one and the same establishment,—a private school of the Tsung-li Yamén for elementary instruction in a few languages and in arithmetic, of which Dr. Martin, an agent of the Board of Foreign Missions of the Presbyterian Church in the United States¹, and occasional colloquial Interpreter for the Interpreter of the American Legation, Dr. Williams, whose dialect is unintelligible to the Capital,—is simply the head-master; and that his self-created triplet of Professorial chairs is of an order as imaginary as it is incongruous. Both the titles of "Professor of Hermeneutics and Translator in the Imperial College", to which his discretion, as approver of Mr. Brown's translation, restricts the manifold and varied adjuncts to his name, are, like those of Professor of Political Economy and International Law, of his own conferring, and here chosen for the purpose of explaining the phenomenon of *his* signature to the document in question; whereas, they only tend to place his *participation in the plot* in a stronger light. Neither "the Imperial College", nor the "Professorship of Hermeneutics",—which, connected with his title of D.D. and his Missionary character, can possibly be understood only of a Chair of Biblical Exegesis—have an existence. Dr. Martin, however, possesses an extensive, though by no means a critical, knowledge of the Chinese language, and a fair acquaintance with Chinese literature. He is the author of numerous Chinese tracts and English newspaper-articles; besides other works, of a

¹ A. Wylie, *Memorials of Protestant Missionaries to the Chinese*, Shanghai, 1867, 8vo., p. 204.

² The term 法 does not mean "Law" in the technical sense of the word; but assuming it to do so, every Chinaman will construe the title of Dr. Martin's book in the sense of "The Public Law of the Ching Empire".

³ They first appeared in "The North-China Herald", and were re-published in the "Shanghai Almanac and Miscellany for 1857", Shanghai, 1857, 8vo. (pages not numbered).

condensation of Wheaton's treatise on International Law under the title 萬國公法, "The Rules² Universal of the Ten thousand States *i. e.* of the Ching Empire of the World"; of an Inscription: 大美國耶穌堂, "Temple of the Great American States' Jesus", sculptured in stone on the *façade* of his former chapel, situated in one of the leading thoroughfares of Peking; and of two remarkable "Letters to the Hon. Caleb Cushing, Attorney-General of the United States, on the State and Prospects of the Belligerent Parties in the Chinese Empire", during the Tai-ping Rebellion, followed by another Letter "On the Dominion of the Tai-ping Dynasty". In these publications³ Dr. Martin calls the late Emperor of China "an imbecile sovereign"; espouses the Insurgents' cause with more than usual missionary fervour; denounces as "national fratricide", were any Christian Power to "conspire with the Manchus"—for the purpose of putting down rebellion⁴; and quotes approvingly a passage from the Bishop of Victoria's charge to the clergy of his diocese, which says: "The pœans of Manchu triumph would be the melancholy dirge of a vast nation, having her liberties entombed among the dead, and sinking into the lowest depths of political annihilation". Hence, his—Dr. Martin's—"object is to expose the futility of all efforts to prop up the crumbling throne of the Tartars"; he foretells the fall of the Ching Dynasty from the very name of the Emperor Hsien-Fêng; "the Manchu sovereignty", he augurs, "is doomed, and the best that its well-wishers can expect for it, is a lingering death"; "they alone (the Manchus)" he proclaims, "should be held responsible, both for the twenty-seven years of bloodshed which followed their invasion, and for the perhaps equal period of civil carnage, which must precede their expulsion". It is probably for this reason, that he exults in "those brilliant assaults at Chingkiang and Nanking,—conducted by that youthful hero, the assistant prince, the veritable

⁴ Rebellion—and every war, carried on by Foreign Powers against China, is in the eyes of the Chinese "rebellion"—, the Penal Code of the Ching Dynasty defines thus:—"Rebellion is an attempt to violate the divine order of things...Resisting and conspiring against the Sovereign is, therefore, an unspeakable outrage, and a disturbance of the peace of the Universe".—"Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China", translated by Sir G. T. Staunton, London, 1810, 4to., p. 3.

Shih-ta-kai,—which resulted in the storming of the Imperialistic camps, and *the beheading of two grand divisions of the Imperialistic army*".¹ He "hopes therefore that all Christian powers will refrain from helping an illiberal, effete, pagan, and foreign dynasty to overcome its worthier rival, and that the first American treaty with China will be the last with its Tartar rulers"; and threatens them,—the Christian Powers, should they, notwithstanding his warning, dare to aid the Tartar usurper,— "with the lasting resentment of the Chinese, who would regard them, moreover", he states, "as having yielded, in the old feudal sense, an obedient *homage* to the now feeble, but arrogant Son of Heaven"; whereas the rebel-Emperor "Hung died, not a pretender but an emperor, on the throne of the southern capital"; and "occidental historians", he feels sure, "will record his name as that of the brightest meteors that ever flashed athwart the firmament of China". Since the Rev. William A. P. Martin, D.D., wrote thus, the Tai-ping rebellion has been crushed; and, with the star of the Ching again in the ascendant, we find him in the service of that pagan dynasty which, a while ago, he had denounced in such unmeasured terms, and, a worthy coadjutor of Dr. Williams, Mr. Hart, and Mr. Brown, conspiring with them,—in support of the Divine Autocracy of the World of the very "Tartar usurper" and "arrogant Son of Heaven", on whose head he had been heaping the bloodshed of so many years of civil carnage,—against the republican independence of his own country, and the sovereign rights of its Chief Magistrate. The proofs of his complicity are many. His chief reward, on the part of the Tsung-li Yamên, has been his promotion, from being a teacher of English in the T'ung-Wên Kuan, first to a professorial tripod in, subsequently

¹ The mind almost shudders at language such as this. On the lips of one, who professes to be a Christian Missionary, it is revolting,—a disgrace alike to Religion and Humanity. It is to men like Dr. Martin, that Mr. MacDonald, in his pamphlet on "The China Question" (London, 1870, p. 35) refers in these words: "The conduct of the principal English missionaries, in shutting their eyes to the real nature of the (Taiping) rebellion and misleading their countrymen, has been most reprehensible. It would be difficult to exaggerate the evil consequences of their systematically publishing whatever came to their knowledge of oppression or cruelty, or abuses that reflected on the Chinese Government or its officers, on the minds of their own countrymen; while, on the other hand, the most ferocious and red-handed rebels found in them constant apologists, if not defenders."

to the "Presidency" of, that institution, a historical sketch of which will be found annexed to the present essay.

90. It will have been observed, leaving for the moment the Hon. Mr. Burlingame out of the question, that of the principal associates in the plot or conspiracy, to which we have here called attention, two are Englishmen strongly imbued with Fenian principles, and two American gentlemen noted for their anti-British sentiments,—all being remarkable for their disregard of the common dictates of scrupulosity. This would seem to warrant the inference that the conspiracy, though directed against the sovereign-dignity of the Western Potentates and the independence of their States generally, withal pursues aims more especially hostile to the interests of England. Our charges against the plotters are, irrespective of any private information we may possess, based on official and published documents. As such documents, implicating others are not available to us, we can but point out the improbability of Dr. Williams being the only Interpreter induced into the course, pursued by him in reference to the Chinese despatches relative to the Burlingame Mission; and to suggest the propriety of the Foreign Governments, in treaty-relations with China, ordering a strict investigation into a subject, which appears to us of paramount importance to the diplomatic service, and the future conduct of state-affairs connected with China.

§ 10.

THE MISSION AND THE HON. MR. BURLINGAME.

91. Was the Hon. Mr. Burlingame before proceeding on his Mission, or did he subsequently become, cognizant of the falsified character of his First Secretary's version of the Imperial Letter accrediting him to the Western Courts; and of the diplomatic fraud, on the ground of which he was to be received at those Courts? How far, irrespective of this question, he may, in a legal point of view, be involved in the plot on which we have discoursed in the preceding section, we have no desire to ask: it is on the simple fact, to which our interrogation refers, that we would say a few words. And we shall do the Hon. Mr. Burlingame but justice in at once expressing our belief that he is free of the grave charge under consideration; that, although he has been sinning much in this matter, he has been more sinned against; and whilst he was making tools of his friends, that his friends have been making a dupe of him. It was a case of "diamond cutting diamond", illustrative of that law of nature, which upon every occasion teaches that honesty is the best policy. Sooner or later, falsehood, deceit, and hypocrisy are pretty sure to come to harm. But to revert to our subject. Apart from general considerations, there are no special points wanting to arouse suspicion against the Hon. Mr. Burlingame as to his complicity in the diplomatic fraud of which we are speaking. Thus, when the Tsung-li Yamên state him to be "of one mind with Prince Kung and the Ministers while their confidence in each other is mutual" (23, B), and he, as the Representative of China, talks of "the (political) unification of the whole human race", the coincidence is a startling one; nor is the impression, produced by it, lessened when it is recollected that, although personally the Hon. Mr. Burlingame is utterly ignorant of the Chinese language, he was fully aware of the pretensions of the Emperor of

China as "to the sovereigns of the Earth a superior, much of the sort that the Pope claimed to be", and of the "*per se* objectionable expressions", employed by him in former Letters to the President of the United States (74). It would, therefore, plainly have been his duty to make strict and searching inquiries into the true and literal tenour of his Credentials, instead of tacitly accepting Mr. Brown's version of them; more particularly as the "approving" signatures to the latter were so well calculated to strengthen instead of removing doubts, which cannot but have presented themselves to his mind. On the other hand, it is more than improbable that Mr. Brown, on joining, in Shanghai, his new Chief with the Letters of Credence, should have informed him of their real contents. It appears to us, then, but fair towards the Hon. Mr. Burlingame to conclude, that the extent of his error in regard to this particular matter consists in his tacit acceptance of his Secretary's approved version of the Credentials as a true version of the original, without any attempt to satisfy his supposed scruples; and that he allowed himself to be made to believe, without due inquiry, that he held a position under the Chinese Government, which he did not hold, and had been invested with powers, with which he was not invested. No man would knowingly act the part of a charlatan, which the Hon. Mr. Burlingame has been made to act, to a great extent at least *unconsciously*, by his friends Mr. Hart, Mr. Brown, Dr. Williams, and Dr. Martin.

92. On reviewing the diplomatic career of the former United States Minister in China, there are two motives which seem to underlay all his actions; namely, the desire to turn his public position to personal advantage; and the wish to serve the interests of his country. Now, the Hon. Mr. Burlingame is, naturally, of a somewhat sanguine temperament; and, having at an early period of his "temporary sojourn in the Capital" conceived the idea of rendering his services acceptable to the Celestial Government, he was prone to view things in the light most favorable to his plans, and in which he was predisposed to see them. On his arrival, a long delay takes place before he is officially received by Prince Kung, who, by a studiously insulting note had retarded the unavoidable interview

for yet ten days more¹. At that interview he presents to the Emperor, through the Prince, the singularly inappropriate gift ("tribute") of "a splendid edition of the Bible, at the request of Bishop Bourne, and in behalf of the American Bible Society, accompanied with a little history of the book in Chinese, by Dr. Williams",² and to Prince Kung himself a short "history of the United States, by Dr. Bridgman". The former is left unnoticed, the latter appropriated by Wên "as a symbol of friendship": and the American Ambassador sees in this "an indication, on their part, of a total abandonment of their ancient policy of exclusiveness".³ He forwards to his Government certain papers relative to a proposal by the Tsung-li Yamên to add to its elementary school of languages a similar school of mathematics (and astronomy) for military and engineering purposes: and, raising that contemplated school to the rank of "a College of Western Arts and Sciences", and nominating "Dr. W. A. P. Martin, the translator of 'Wheaton's International Law', the senior professor, and by courtesy the head, of the College", exclaims in ecstasy: "Could there be a greater evidence of

¹ The note, written no doubt in the name of the Prince and in the third person, but as translated by Dr. Williams, reads thus: "When your excellency arrived in Peking, I was very desirous of seeing you; but at that time I was [pretended to be] ill, and asked for a short respite. *My illness is gone, indeed, at this time, and I am at leisure*; but I am left in such a weak state of body that a few days will be requisite to recover entirely *before it will be agreeable* to have an interview, at which we can exchange the sentiments of peace and amity which we entertain. I send this note beforehand to inform you, and avail myself of the opportunity to wish you the day's enjoyment", i. e. *to wish you a good day!* "August 5, 1862.—Enclosed the card of Prince Kung". Mr. Burlingame's despatch to Mr. Seward, dated Peking, August 23, 1862 (Papers relating to Foreign Affairs, Washington 1864, Part ii, 8vo., p. 828—9).

² Is it possible to conceive anything more undiplomatic and tactless than this proceeding on the part of the United States Minister and the Secretary of Legation, at the first interview of the former with Prince Kung? No wonder, if the suspicion had forced itself upon the Members of the Tsung-li Yamên, of the American Government being a Christian Missionary Board, and its Representative a proselyting agent, sent for the special purpose of converting the Emperor of China to the religious tenets of "the Great American States' Jesus"? (89).

³ Papers relating to Foreign Affairs, Washington, 1864, Part ii, 8vo., p. 829. The Ministers of the Tsung-li Yamên, who were present at the Hon. Mr. Burlingame's reception, formally acknowledged the copy of Dr. Bridgman's History of the United States, presented by him, in the following note: "August 23, 1862. Your note with the accompanying copy of the History of the United States has been received. I shall most carefully look the work over, and, therefore, be able to obtain a thorough

progress than is disclosed by those papers? I marvel as I read them, and call your attention to them with infinite pleasure".⁴ Nay, the Tsung-li Yamén memorializes the Emperor in favor of the adoption, for the Chinese Navy, of a new flag—with a dragon rampant, the symbol of Universal Supremacy, painted on it—: and the Hon. Mr. Burlingame infers therefrom that: "Surely, the words 'immovable civilisation of China' have lost their significance. By this act the Imperial Government, casting down the last shred of its exclusiveness, confronts us with a symbol of its power,—the dragon—and demands a place among the nations".⁵ In moments of a less sanguine mood, however, though still taking a colored and altogether mistaken view of Chinese politics, he partially allows the truth to come out. "The regency", he writes in one of those moments, "are distrustful of us, and are afraid of their censors and distant local authorities. Besides there is a large anti-foreign party here. There are members of the foreign board who, if left to themselves, would at once place China in perfect international relations with us; but sitting with them are spies, who paralyze them in their

knowledge of the customs, the geography, and the character of the people of that country. I shall keep the volume at my side, and be gradually extending my information as I look at it. I return this note of thanks for it, (at the same time availing myself of the opportunity) to wish you happiness. Cards of Wansiang, Tung, and Pankiene". (Papers relating to Foreign Affairs, Washington, 1864, Part ii, 8vo., p. 829.) We should remark that the work in question is a moderately sized pamphlet; and that the translation of the note, which makes it appear to be from Prince Kung, is Dr. Williams'.

⁴ Papers relating to Foreign Affairs, Washington, 1868, Part i, 8vo., p. 472—3. Despatch of April 10, 1867.—Compare the appended paper on "The New University of China".

⁵ Mr. Burlingame's despatch to Mr. Seward of Oct. 27, 1862 (Papers relating to Foreign Affairs, Washington, 1864, Part ii, 8vo., p. 835). In the Tsung-li Yamén's despatch on the subject it is said:—"The foreign ships of all nations [text reads: States] have the usage of hoisting flags, each to designate their own country [text reads: State]...The governmental vessels of China [text reads: of the Central State] have also had their flags to distinguish them; but a new regulation has now been made, proposing a dragon flag, to be triangular in shape, and ten feet broad for the largest vessels or between seven and eight feet for smaller craft; the length on the slanting or lower sides is immaterial. The ground color is yellow, and a dragon is painted on it, the head pointing upwards. Made in this shape, it is thought that it can be instantly recognized. His Majesty has been memorialized on the subject".—*Tsung-li Yamén's despatch to Mr. Burlingame*, Oct. 22, 1862. (Papers relating to Foreign Affairs, 1864, Part ii, p. 836.)

action with us, to fall, as they frequently do, far short of their promises.¹ In their weakness they resort to tergiversations to such an extent as to invite menace, and to cause us, in our passionate modes [moods?], almost to despair of holding, with dignity, any relations at all with them". These "passionate modes", however, darken the silvery horizon of the American Ambassador's views but for an instant. Quickly he returns to "marvelling" and "hoping", varied by an occasional display of tergiversation on his own part; ² invites "the Prince and suite to kindly sit for their photographs"; has "Tung Sun taken with a copy of Wheaton in his hand"; ³ and upon the slightest provocation waxes stump-oratorical.⁴

93. It is naturally to be expected, that a man of the Hon. Mr. Burlingame's disposition should little heed the warning, given to diplomatists by the caustic Talleyrand: "Surtout point de zèle!" We may be permitted to revert here to one instance of his over-zeal, an allusion to which has been already made: we mean the dispersion of the Lay-Osborn flotilla; because the true merits of this singular case are as yet unknown to the public, and at the same time calculated to throw additional light on the relations between the former American Minister and Mr. Hart. Even before Mr. Lay, then H. M. Acting Vice-Consul in Shanghai, was entrusted, in 1855,

¹ Yet, despite of his experience, the Hon. Mr. Burlingame writes again, a year or two subsequently, to his Government: "I am happy to enclose a memorandum from Robert Hart, esquire, inspector general of customs, from which you will learn what great progress the Chinese are making. They have decided to appropriate the entire tonnage-dues to the building of light-houses, and for the improvement of harbours on the coast of China. This result, so creditable to the Chinese and so advantageous to us, is entirely due to the patient and enlightened efforts of Mr. Hart. It is also, with the increase of trade, an indication of the faith of those who believe in reason and kindness more than in brute force".—Mr. Burlingame's despatch to Mr. Seward of March 29, 1867 (Papers relating to Foreign Affairs, Washington, 1868, Part i, 8vo., p. 467)—We need hardly remind the reader, that the specific object for, and the explicit condition on, which foreign shipping was burdened with tonnage-dues, is the erecting of light-houses and the improvement of harbours, on the coast of China; nor of the illegitimate and unwarrantable use, to which nearly the whole of the large funds, collected for that purpose, have thus far been misappropriated by the Inspector-General of Chinese Maritime Customs. Indeed, the most "tergiversating" Chinese official may as soon be trusted, as that Irish gentleman.

² Thus, the American Minister announces to his Government the enclosure of "a quite angry despatch from Prince Kung"; adds by way of postscript: "I find that I have not the despatch translated, but will send it by the next mail. It made objection to Colonel Raasloff, because he did not come to Peking in the usual form",

with the direction of the Chinese Customs, as the successor of Mr. Wade, who had retired from the post, he had proposed the organisation of a naval force for the Chinese Government, partly and chiefly as a maritime police service for the suppression of piracy and smuggling, partly for military employment against the Tai-pings. After his return to England on sick leave in 1861, Mr. Hart, his *locum tenens*, took up the scheme and, being present in Peking, induced the Tsung-li Yamén to consider it favorably. Negotiations commenced in the same year; and overtures were made to a distinguished officer, Captain Sherard Osborn, R.N., to take the command of the force, with the sanction of Her Majesty's Government. Mr. Lay, taking a high view of the enterprise and having the true interests of China at heart,—although, in these very interests, knowing what Chinese officials are, and in the consciousness of his own rectitude, he insisted on powers of control being granted to him, which, under ordinary circumstances, might perhaps have been deemed unreasonable—, proceeded with equal caution, frankness, and loyalty to carry the project into effect, and “on such terms”, in his judgment, “as would insure the efficient management of the fleet, and its proving, not a curse, but a blessing to China”.⁵ Mr. Hart, on the other hand, with the sole view to his

[sic]; and keeps the document back altogether. (Papers relating to Foreign Affairs, Washington, 1864, Part ii, p. 855, Mr. Burlingame's despatch of May 16, 1863.) So again in the case of Wóá-jén, an eminent member of the Privy Council, who opposed the contemplated extension of the T'ung-Wén-Kuan (39), and finally defeated the Tsung-li Yamén. The American Minister communicates to his Government the various Imperial Rescripts on the subject up to April 29 (March 28), 1867, when the discomfiture of Wóá-jén still appeared complete, and he had been peremptorily commanded to join the Tsung-li Yamén; but, just like his friend Mr. Hart in the “Reports on Trade for the year 1866 (Shanghai 1867, 4to., p. 162)”, the Hon. Mr. Burlingame fails to communicate the next and final decree of the Emperor, re-calling his previous commands, and giving the most signal victory to Wóá-jén.

³ Papers relating to Foreign Affairs, Washington, 1866, Part ii, 8vo., p. 439.

⁴ After informing the American Government of the appointment of Mr. Raphael Pumpelly, of Owego, N. Y., for the purpose of a scientific exploration of the country about Peking, with particular reference to the discovery and development of coal-mines, the Hon. Mr. Burlingame writes: “Thus Mr. Pumpelly has the singular satisfaction of being the first man employed by the Chinese Government to carry the light of his branch of science into the hitherto unexplored mines of China”.—Mr. Burlingame's despatch of Nov. 4, 1863, to Mr. Seward (Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 332).

⁵ Horatio N. Lay, C.B., Our Interests in China, London, 1864, 3vo., p. 12.

own personal advancement, acted throughout the whole transaction with his usual sanguineness, levity, and duplicity. In April 1862, the extent of the fleet was "fixed" by him at "four despatch-boats and six gun-boats", on the authority of Prince Kung, "*who's in an awful hurry*", he informs Mr. Lay, "*and tells me to do whatever I like*". By way of pressure, he wrote, a few months later, to his chief that—which there is every reason to doubt—the British Legation had recommended to the Tsung-li Yamén to send for the required fleet to the United States; and that it was only in consequence of his remonstrances, that the affair, at this stage, had not been transferred to the brother of Colonel Ward, a filibuster formerly connected with General Walker, of Nicaraguan notoriety.¹ Yet, sufficient funds had not been provided even for the four gun-boats and two despatch-boats, then in progress of construction in England; and, in March 1863, pecuniary difficulties becoming imminent, and Mr. Lay having received Prince Kung's Letter of Authority—dated October 24, 1862,—which enabled him to sign a general agreement with the officers and men of the force, and to leave all further matters in Captain Osborn's hands, determined to hasten at once to China to procure funds.² He reached Peking on the 1st June 1863. Captain Osborn, whose arrival with the flotilla had been delayed in consequence of Mr. Hart's tardy remittances, joined him about the middle of September following.

94. There now was enacted one of those *comédies diplomatiques* of the Macchiavellian School, in which all the players combine against the only honest man among them, and the victim alone remains in ignorance of the plot and its motives, to which he falls a prey. In this instance the honest man and victim was Mr. Lay. The principal *dramatis personæ* were the Hon. Mr. Burlingame, Sir Frederick Bruce, Mr. Hart, and Prince Kung. If we are to credit a despatch of the American Minister to his Government of June 11, 1863, he had only just then gained the first information respecting the Osborn fleet from an English Magazine, and "felt it to be his duty", on

¹ Horatio N. Lay, c.b., *Our Interests in China*, London, 1864, 8vo., p. 15.

² Horatio N. Lay, c.b., *Our Interests in China*, London, 1864, 8vo., p. 17.

³ Papers relating to Foreign Affairs, Washington, 1864, Part ii, p. 859; comp.

the strength of a newspaper article, at once to take His Imperial Highness Prince Kung to task on the subject. It seems a strange diplomatic proceeding; but there is the distinguished diplomatist's own officially published authority to vouch for it.³ The Prince, stating what little he knew of the matter, confirmed "Blackwood"; the Hon. Mr. Burlingame, as the reputed author of the co-operative policy, duly imparted to his colleagues the great things he had discovered: the Ministers, in a body, set to studying the "cleverly written papers" pointed out by him, which, however, they found "so full of hope and good intentions", that they,—including the Hon. Mr. Burlingame,—unanimously resolved to "wish Mr. Lay success"; and when they "soon learned that there was 'a hitch', owing, *it was said*, to the 'stupidity and bad faith of the Chinese'", they, having been satisfied by "Blackwood", felt *convinced* of the latter fact, and manifested "a general feeling against the Chinese". So at least the Hon. Mr. Burlingame, from whose official despatch to the United States Government of November 7, 1863,⁴ we gather all this, "believes, he may say with truth". Well, belief, as we are told, can remove mountains. But the truth is nevertheless that 'the hitch', spoken of by the American Minister, was one of his own non-co-operative creating. He had taken the purely American alarm:—at what? At "the oldest nation in the world, embracing nearly one half of the human race", after having cast its "immovable civilisation" to the winds and, with His Excellency's warmest commendation, adopted a national flag, wishing to attach to that flag a few gun-boats? Had not Prince Kung requested that the American Navy would "offer no impertinence" to the big dragon flag of the Celestial Navy? and had not the Hon. Mr. Burlingame, himself, so long as a year ago, suggested to his Government "to bring the communication of Prince Kung to the attention of our naval officers and captains of our commercial marine as soon as possible"?⁵ Surely, he did not expect the national flag of China to float about the oceans with nothing but its staff to

ibid., 1865, Part iii, p. 343.

⁴ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 343.

⁵ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 838.

carry it. Or did he feel alarmed at the formidable strength of the youthful armada? "The truth is", he reports to the American Secretary of State, "the fleet was out of proportion to the needs of the Chinese, and quite beyond anything ever dreamed of by us in Peking. One of the vessels, I am told, is the fastest war vessel in the world; and all the ships are equipped in a manner, it is claimed, superior to anything of equal size afloat".¹ Now, it is quite possible that, had the vessels been built in America, they would have been found less objectionable on the particular score complained of by the Hon. Mr. Burlingame: but can we trust our hearing, when we are told by him that half a dozen gun-boats constitute "a fleet out of proportion to the needs of the Chinese",—a people, estimated to number 400,000,000 souls, possessing an extent of sea and river coast many times exceeding that of Great Britain, and infested with a population of pirates and smugglers, equal perhaps to half the maritime population of the United States? The Inspector-General of Chinese Maritime Customs, Mr. Hart, has since collected or ordered a larger force, including, it is understood, a powerful iron-clad, without one syllable of remonstrance from the American Minister. And what right, too, had "we dreamers in Peking", i. e. the Foreign Ambassadors temporarily sojourning in the Northern Capital, to interfere in the internal affairs of a friendly Power? "The truth" about the Osborn flotilla can hardly be *the* truth. Is it, then, that Mr. Lay's "articles of agreement with Captain Sherard Osborn, and a large number of officers and men of Her Majesty's navy, by which the captain, officers, and men were to serve four years; that the captain was not only to command the ships purchased, but all others manned by Europeans in China; that all moneys for the payment of the force should go through the hands of Mr. Lay; that all orders were to pass through him, and if he thought any order unreasonable, he could veto it", excited his apprehensions? Scarcely so. Even had the United States Government and its Navy been so weak as to be struck with fear

¹ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 345.

² Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 345.

³ *Ibid*, p. 345. How gratuitous the Hon. Mr. Burlingame's opposition to the terms of agreement between Mr. Lay and Captain Osborn was, is proved by the

at the thought of the new flotilla of China, consisting of a few gun-boats: it could have wished for no better guarantee against an unfriendly or improper use of this "fleet", than the fact of its being placed under the command of one of H. B. M.'s most honorable and competent naval officers, who, to use the Hon. Mr. Burlingame's own words, "illustrated the higher quality of western civilization",² and was appointed to that command with the sanction of H. B. M.'s Government. What right, we ask again, had an American or any other Foreign Minister in Peking, more especially under such circumstances, to interfere in matters of internal administration with the arrangements of a friendly Power? Mr. Hart has since added to the Inspectorate of Customs, strange to say, a "Marine Department", i. e. an Admiralty, under his own absolute and *irresponsible* control: and neither the Hon. Mr. Burlingame nor his two successors have "ever dreamed" to raise their voice against so startling an innovation. Yet the former diplomatist writes to his Government: "When the several articles of agreement (between Mr. Lay and Captain Osborn) became known to me, I confess that I was surprised; and *if the Chinese had not rejected them at once*, without suggestions from any one, *I should have been constrained, by a sense of justice to the Chinese, and in the interests of my own country, to have opposed them*".³ This is a remarkable utterance. The supererogatory remark "without suggestions from any one", at once suggests the true state of the case, namely, that the articles of agreement in question were first objected to by the Tsung-li Yamén at the instance of the American Minister. But could "a sense of justice to the Chinese", even had there been—which there was not—any injustice in question, warrant the Representative of the United States in Peking to oppose arrangements of the Chinese Government, with which he had no concern whatever? And could "interests of his own country" possibly be jeopardised by a Chinese steam-force of half a dozen gun or despatch-boats, *under the command of an honorable English naval officer, serving with the sanction of*

former gentleman "offering to cancel the entire agreement, provided it was understood that Captain Osborn should be under the Imperial Government".—Horatio N. Lay, *Our Interests in China*, London, 1864, 8vo., p. 30.

his Sovereign, and the partial control of an honorable English gentleman, holding a responsible position in the service of China? They were the very safeguards of American interests in that alarming fleet of six small steamers, which the Hon. Mr. Burlingame used as a pretence for his unjustifiable interference. How keenly, on this point, he felt the impropriety of his conduct himself, we shall presently see. What, then, in making so "much ado about nothing", were the real motives of his action?

95. Forgetting the good old saying: "Qui s'excuse s'accuse", the Hon. Mr. Burlingame, after relating the success of his intrigue, adds with admirable *naïveté*: "But the flotilla *had fair play*, and the failure cannot be charged to the jealousy of anybody".¹ In these words he let out the secret. One of the objects of the Chinese policy of the United States Government is to obtain a preponderating moral influence with the Tsung-li Yamên, while foregoing no material advantage conceded by China to other Powers. At the time, the American General Ward, killed in the service of the Tatar dynasty by the Tai-pings, having been succeeded in his command by the American General Burgevine, whose ambition proved so troublesome to the United States authorities in China,² the latter, in his turn, had been succeeded by the English Major Gordon, who had already then greatly distinguished himself and rendered important services to the imperial cause. Was now the English Captain Osborn to come with his fleet of gun-boats; in combination with the English Major Gordon, to take the Tai-ping capital, Nanking;

¹ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 345.

² General Burgevine, having fallen into the hands of the Chinese, was by the authority of Dr. Williams, abandoned to them. The precedent thus established, a grave error, cannot fail, under similar or other circumstances, to lead to complications between the two Governments. Dr. Williams wrote, on June 21, 1865, to Prince Kung, in answer to the Tsung-li Yamên's notice of General Burgevine's arrest: "He having now been arrested as a criminal, it is required by the eleventh article of the treaty that he should be given up to the American Consul, to be tried and punished";—the American Chargé d'Affaires *ad interim* for the fourth time—here assumes Burgevine's guilt before trial—; "but when his repeated offences, and contemptuous disregard of the laws, both of the United States and China, are considered, all proving that he is reprobate to all good things, it is difficult to extenuate them. I therefore request your Highness to detain this man in confinement in the country, a few months, while I refer his case to my own Government for instructions, stipulating in the distinctest manner that the officers in whose hands he is placed shall not injure or insult him in

and thus, quelling the rebellion, to monopolize the gratitude of the Ching Emperor, and to render the influence of the English Minister at the Northern Court all-powerful? The author of the "co-operative policy" saw his own position, and with it the interests of his country, endangered. Had the fleet been built in the United States, and placed under the command of an officer of the United States Navy, with the sanction of the United States Government: the Hon. Mr. Burlingame's "sense of justice to the Chinese" would scarcely have been awakened by, and certainly Sir Frederick Bruce would not have taken the alarm at, its appearance. As it was, "the green-eyed monster" started up to oppose the hapless armada. In the first place, however, the British Minister had to be gained over. The task might appear a somewhat difficult one; but well did the Hon. Mr. Burlingame know, that humbug will often succeed where reason fails, and that justice has but a questionable chance whenever self-interest comes into play. Sir Frederick Bruce was decidedly averse to "diplomatic bother" and "political complications". He thought highly of the advice of Napoleon: "*Tenez bonne table et soignez les femmes*"; and since Peking offered but a very narrow field in the latter respect, and its amenities as a place of residence are restricted to dust, filth, and effluvia of a more varied than agreeable nature, no doubt the idea had again and again occurred to him: how desirable his promotion to Washington would be. Hence the Hon. Mr. Burlingame, with a hint, it may be presumed, as to the practicability of that wish being realised, urged

any way". (Papers relating to Foreign Affairs, Washington, 1866, Part ii, pp. 456—7.) This latter stipulation sounds like a mockery. Dr. Williams knew too well, even from the Tsung-li Yamen's notification, the strong feelings of the native authorities against General Burgevine, and the cruel and unscrupulous disposition of Chinese officials: he cannot but have felt certain as to the fate, to which he was delivering up his gallant countryman. The answer of the American Government, dated Washington, November 6, 1865, reads: "Sir, your despatch of the 26th June last has been received. In reply, I have to inform you that the President is of opinion that the offender Burgevine may, upon a just conviction, be left to the Chinese custody without being reclaimed by the United States representative. But this is to be understood to rest upon our own voluntary consent upon the grounds of national honor, and not from Chinese right under treaty stipulations. WILLIAM H. SEWARD". (Papers relating to Foreign Affairs, Washington, 1866, Part ii, p. 462.) Meanwhile General Burgevine had already about the end of June 1865 met his death, there is every reason to believe, by foul play, at the hands of the Chinese. They pretended that he was drowned "accidentally".

upon his consideration the certainty of "a complication that no man could see the end of, and from which his—Sir Frederick's—enlightened prudence and justice might relieve the British Government"; that the arrangement entered into by Mr. Lay was one, "which no one could defend, and to force which would at once shake all confidence in that co-operative policy which he himself—Sir Frederick—had done so much to establish"; and that—wonderful to relate—"if Captain Osborn should make an attack upon Nanking, he would after all win but a temporary notoriety, and leave his country involved in a mortal struggle with the rebels, and subject to the taunts of the civilised world".¹ And to these and similar arguments H. M.'s Minister, Sir Frederick Bruce, "responded, in that spirit of comity which had ever distinguished their relations, that *the ships should be taken back to England*".² Were both Ministers, then, secret partizans of the Tai-pings? Under any circumstances, the Hon. Mr. Burlingame had succeeded in gaining the Representative of England over to his views. "All that now remained for the latter to do", was, "in a spirit of that large amity, which he had never failed to recognize, to give information to the Chinese Government, that the ships should be sent back with the men to England, and that the whole question would be submitted to his Government".³ The grounds upon which the American Minister insisted on this course, were that "three dangers menaced the ships, upon the dissolution and departure of the force; the Daimios in Japan seeking war-steamers; the lawless men on the coast, into whose hands they might fall, to be used for piracy; and the Confederates (of the Southern States of America) who had agents in China".⁴ The only trace of Confederate agents in China is, probably, to be found in the Hon. Mr. Burlingame's imagination; if he had inquired into the status of Chinese pirates, he would hardly have feared their ever thinking of purchasing or navigating a European war-steamer; and what danger to his country was to be apprehended from Japanese Daimios

¹ Mr. Burlingame's despatch of November 7, 1863, to the American Government, Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 345.

² Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 350.

³ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.

⁴ Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.

it might have been difficult for him to explain. His reasons for sending the flotilla back to England are as vain, as are his arguments for its dissolution. Both arguments and reasons serve only to expose his jealousy and his intrigue in their nakedness.

96. Meantime Prince Kung and Mr. Hart had still to be induced to see the force of the Hon. Mr. Burlingame's logic. A mediator between him and His Imperial Highness was indispensable. Who more fit to undertake this delicate task, than "Mr. Hart, a very able man, who was acting in the place of Mr. Lay; who, at the request of Sir Frederick Bruce, had been permitted to come to Peking to consult about regulations for trade in the Yang-tze-kiang; who, by his intelligence and modest manners, had won, and deservedly so, the entire confidence of the Chinese, and, favouring the steamer-project, had no difficulty in securing their assent to the general letter of instructions which Prince Kung sent to Mr. Lay"?⁵ True, Mr. Hart was but the *locum tenens* of Mr. Lay, and could not be expected to betray his chief; he was in the service of the Chinese, and could not be expected to betray his duty and the confidence of his employers; he favored the steam-project—indeed he virtually originated it,—and could not be expected to betray his own plans; he was an able man, and could not be expected to betray his abilities. But he was also an ambitious man, who would not object to occupy the position of his superior; a modest man, who prefers "to keep in the background" and work in obscurity; an intelligent man, who understands that "his first duty a man owes to himself". As to Prince Kung, he no doubt, as a loyal subject of the Son of Heaven, would have been rejoiced at the Southern Capital being re-taken by Captain Osborn and the Tai-ping rebellion crushed, *although* the event should have subjected England to the taunts of the civilized world (95): but, then, the cupidity of His Imperial Highness was well known,⁶ and the sale of the fleet in England and the remittance of the proceeds to the Tsung-li

⁵ *Ibid*, p. 344. What the Hon. Mr. Burlingame can mean by saying, that Mr. Hart secured the assent of "the Chinese" to instructions sent by Prince Kung, we are at a loss to conjecture.

⁶ Dr. Williams writes to the American Government on April 13, 1865: "The citizens of Peking have given him (Prince Kung) a bad name for two years past".

Yamên¹ opened up prospects of "squeezes", likely to prove irresistible. Besides, was not the Hon. Mr. Burlingame, at the time, a firm believer in "the stupidity and bad faith of the Chinese"? (94). A pretext for breaking their contract with Mr. Lay was, therefore, easily found, and suggested to them. The Hon. Mr. Burlingame, in a despatch to his Government, in contradistinction of "the truth" (94), styles it: "the real difficulty". Speaking of Captain Osborn, "as soon", are the words of the American Minister, "as he saw the real situation, to his honor be it said, determined at once not to involve himself or his Government. He saw that the Chinese could not meet the only conditions upon which a British officer could with honor serve in China. By the constitution of the Government, one must hold his commission at the will of a local governor, and must be subject to his orders. It is not in the power of the Imperial Government to depart from this rule; and this was the real difficulty".² The Hon. Mr. Burlingame, certainly, is not complimentary to those officers, both American and English—the latter including Lieut.-Colonel Gordon—who served the Imperial Government of China on the terms objected to by Captain Osborn and Mr. Lay;—objected to by them, not because they held them irreconcilable with honor, but because with Captain Osborn and his officers a different understanding had been come to.³ This understanding the Tsung-li Yamên, having manifestly entered into the scheme of the American Minister, repudiated on the ground of the empty plea, adduced by him; for, in the first place, there exists no such rule as that to which he alludes; and, in the second place, the power of the Imperial Government, *i. e.* the Emperor, recognises no corresponding restrictions: "the Emperor being", as Dr. Williams testifies (24), "the fountain of all power, rank, honor,

This was on the occasion of the Prince's disgrace, when he was "removed from all his functions and no longer permitted to have a voice in public matters", on account of his "having exhibited in the administration of affairs such favoritism and greediness for presents, such arrogance and grasping after power, that people are everywhere discussing his conduct". (Peking Gazette, April 3, 1865.) He was, however, soon restored to the Presidency of the Board of Tributary States' Affairs (the Tsung-li Yamên), and by Imperial Rescript of May 9, 1865, also to his place in the Privy Council. In this Rescript it is said: "At the audience held this day, Prince Kung, having been allowed to appear to return thanks for favors granted him, prostrated himself to the ground, weeping bitterly, as if he had no way to conceal his mortifi-

and privilege to all within his dominions",—even to His Imperial Highness Prince Kung.

97. The *mise-en-scène* of the comedy, now about to be performed before the public, had thus been successfully completed. We do not presume to affirm that the irresponsible agent, who had arranged a silent, but complete understanding between the Tsung-li Yamên and the Hon. Mr. Burlingame "to the satisfaction of all parties", was Mr. Hart. We have no proofs. Acts of a dark and underhand nature usually defy proof. They have to be inferred from the results that attend, and the circumstances which accompany, them. *Somebody* must have brought about that understanding: Mr. Hart's position as the confidential adviser of the Tsung-li Yamên, and the fact of his not opposing the dissolution of a force, of which he had recognised the usefulness and necessity for China, and which had been organized through his own instrumentality, point to *him*. Suffice it, however, here to relate that, when Sir Frederick Bruce notified to the Tsung-li Yamên that the gun-boats should be sent back to England, the curtain was ready to be drawn: the performance commenced. "At this stage of the history of the affair", the Hon. Mr. Burlingame reports to his Government, "the Chinese came to me in a great state of alarm, and earnestly asked my advice".⁴ How Prince Kung came to apply for advice—a strange proceeding—to the American Minister, he does not explain; but with that reluctance to interfere in matters that do not concern him, with that delicacy of co-operative feeling which became him so well, he "said his advice would be predicated upon their answer to one question: Would they, under any circumstances, ratify the agreements between Lay and Osborn? They replied that under no circumstances would they assent to the

cation. We then personally admonished and warned him, and the Prince expressed himself to be deeply sensible of the grievous faults into which he had been led, and sincerely repentant and ashamed of his past conduct. It excited the utmost commiseration in our heart". (Papers relating to Foreign Affairs, Washington, 1866, Part ii, p. 450.)

1 Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.

2 Papers relating to Foreign Affairs, Washington, 1835, Part iii, p. 345.

3 Horatio N. Lay, *Our Interests in China*, London, 1864, 8vo., p. 21.

4 Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.

agreements". It was only, after this solemn assurance having been given, that the Hon. Mr. Burlingame "advised them, 1st, to give their reasons fully for not ratifying the offensive articles of agreement; 2nd, to thank the British Government¹ and Captain Osborn for what they had done for them; and 3rd, that inasmuch as there was a misunderstanding between them and their agent, which could not be reconciled, they should request the British Minister to have the flotilla returned to England, under the direction of Captain Osborn, the ships sold, the men paid off and discharged, and the proceeds remitted to them. They followed this advice to the letter; addressed a handsome letter to Sir Frederick Bruce to this effect, and, *without suggestion from any one*, added, as a compliment to

¹ Instead of "the British Government", the Hon. Mr. Burlingame should have written "Sir Frederick Bruce". Were the Members of the Tsung-li Yamén, perchance, to thank him for "the great state of alarm"—the American Minister evidently meant to have said "state of great alarm"—into which he had thrown them?

² Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.

³ Horatio N. Lay, *Our Interests in China*, London, 1864, 8vo., p. 27.

⁴ We cannot refrain from quoting here one or two extracts from Captain Osborn's interesting and amusing notes of an interview at the Tsung-li Yamén on September 28th, 1863. They are true to life. "We had", he writes, "an appointment at two p.m., and were there to the moment, and of course shown into a waiting-room—no one there. Who put these oily wretches up to such a European trick as this? Who taught them thus to give the sanguine a damper, to snub thus silently the importunate, and to make the humble eat dirt and humility? I have waited longer far, in equally squalid rooms, be it acknowledged, about Whitehall without seeing any one, and ought I dare say to have been grateful when our smirking friend the Ex-Hoppo of Canton, named Hangki, strolled in with his elaborate snuff-bottle in hand and gaily welcomed us. 'Oh! my graceful acquaintance of Her Majesty's Circumlocution Office, with unexceptionable trousers and the gentle fragrance of true Havannahs clinging round these, how strange to find thy counterpart at Pekin!' The Ex-Hoppo was such a humbug too. He had made a lot of money—nigh a million sterling—by squeezing those who could not help themselves in Canton, and was now disgorging his money to the Court in return for peacock's feathers and coral buttons...After a certain amount of salutations, inquiries as to our ages, &c., the regular performance began, and I laid back to look on; and, in the words of our worthy old secretary on board the Collingwood, when the admiral told us for the hundredth time of what his brother did at Waterloo, 'it was varra remarkable and varra well worthy of notice!' Here was an Englishman, whose word was his bond, who loved truth and hated a lie, trying to deal with four rascals, who were cheating, lying, and tricking, in the most unblushing manner. He, a single European expressing himself in a most difficult tongue, trying to show how upon their written and formal instructions and pledged word he had acted on their behalf; how he had compromised himself and some five hundred Englishmen; how we now stood in China, ready to serve the Emperor faithfully, provided his ministers kept their word; how he had risked health, and had almost pledged his honour to serve China. All

Captain Osborn, that they would be pleased if he would accept ten thousand taels. Thus was settled, after weeks of anxious discussion, continued for the last three days at the United States Legation, almost without intermission, this question involving so many interests".² And during these weeks of "anxious" discussion, Mr. Lay, altogether unconscious of what was going on at the United States Legation, and of the intrigue which diplomatic jealousy had plotted against him and his honest plans to benefit China, sat with Captain Osborn day after day at the Tsung-li Yamén, subjected to the most frivolous and irritating treatment.³ Well might Captain Osborn exclaim: "Poor Lay! it was enough to drive a man distracted".⁴

this and much more might have touched the heart of a North American savage, but it had, I could see, no effect whatever upon the remorseless hearts of these Chinamen; there they sat, sucking away at their brass hubble-bubbles, and watching Lay's face or exchanging glances. Presently, Wenseang would lay down his pipe and proceed to argue. Lay would rally to the fray, and in a few minutes Wenseang would be put to flight and seek cover in tobacco-smoke, which was done by taking down a huge gulp of it, and then forcing it out of nose and mouth with droll solemnity. Sieh would now, in silvery tones, but with insolence depicted on his face (as much as to say, 'See how I will discomfit this red-haired devil!') advance for a throw with Lay. There was a touch of pardonable scorn on my friend's lip as he laid the scamp sprawling, and Wenseang did not seem to regret seeing him resort to a pinch of snuff, and then wrap his face up in a dirty handkerchief to escape from his dilemma. Now it was the signal for Tung, then Hang, and so the ball was tossed round, and the game was never won; for of course, from such a mode of carrying on an argument, and all but the person actually engaged pretending not to hear what was going on, it was the individual merely who was dealt with, and not the Board. Mr. Lay refuted Wén, Sieh, or Tung, not H. I. M. Foreign Office. Say, is not this an improvement on our system? and considering how long it is since we have had Boards, and the Pekinese have only had one for three years, have they not fairly beaten us in the race of 'how not to do a thing?' Poor Lay! it was enough to drive a man distracted. Take, for instance, what occurred to-day. Wenseang made some admission of a very remarkable character. Mr. Lay directly afterwards repeated it, with the argument, 'As you admit so, of course such and such is the case.' Wén slowly raised his eyebrows, and exclaimed: 'Who said so?' 'Why, you did, your Excellency.' 'Oh, no; I never said any such thing,' is the cool disavowal, and as he turns to his *confères* his head is again enveloped in smoke. 'No one said so,' at once asserts Sieh. 'Oh, of course not; how could any one have thought of saying so?' is the chorus of all the old story-tellers together, and the wag of the Board makes some apt quotations from the classics, which get up a laugh. I see Lay's cheek burn with natural scorn as he points to these contemptible devils, and tells me the little episode over which they are chuckling. Sieh and Wén now run out into the other offices, whilst Hangki, putting on a very serious face, assures Lay that the amount of work Wén has to do is something marvellous; and the Tartar general, to impress us with his responsibilities, has a ponderous despatch brought in, which he reads through in

98. The last act of the comedy was somewhat deferred. Deceit and cowardice go usually hand in hand. It was considered prudent to allow Captain Osborn to depart with the flotilla before Mr. Lay was dismissed and Mr. Hart appointed in his place to the Inspectorate-General of Chinese Maritime Customs. "As a sequel to the flotilla affair", the Hon. Mr. Burlingame informs the American Government in his despatch of November 23, 1863, "I have now to inform you of the dismissal of Mr. Lay from the service of the Chinese Government. It occurred in this way: After the departure of Captain Osborn the Chinese came to me"—again to *him*—"and said that they had lost confidence in Mr. Lay"...To Mr. Lay they simultaneously gave the assurance: "We would not part with you; no one could manage the Customs as you do. Let the past be the past, and do you continue to administer the Customs as you have done hitherto. We will take care that you shall have no more cause of complaint of 'squeezes' upon foreign merchants. We will put ourselves in your hands as before; your suggestions shall be our rule of action".¹—"They (the Chinese) requested me", the Hon. Mr. Burlingame continues, "*to advise them, under the circumstances, what to do.* I told them, as Mr. Lay was not a countryman of mine, that it was a delicate subject for me to interfere in, but...Mr. Hart had deservedly their confidence. For two years past he had acted in the place of Mr. Lay, and by his tact and ability had won the regards of every one. Our countrymen were particularly well pleased with him. *I therefore felt no hesitation in commending him warmly to their favor*".² Immediately afterwards Mr. Lay "received a curt letter of dismissal, thus bringing his nine years' connection with the Chinese Government to an abrupt close".³ Had Mr. Hart betrayed his chief, and was it, as a recompense for the part he had acted, that the American Minister, after having procured Mr. Lay's dismissal, caused Mr. Hart to be appointed in

bye play. Presently all return again; then another hour of nonsense, diversified with skirmishes about Lay's house, Customs duties, some joking about barbarian customs... Again the conversation turned away to frivolous subjects; then came Chow-chow, and I rose to say good-night, it being nigh six o'clock. I pity Lay if he has this sort of thing to go through every day."

¹ Horatio N. Lay, *Our Interests in China*, London, 1864, 8vo., p. '33.

² Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 349.

his place? We must leave the answer to the reader. Be that answer what it may: the Hon. Mr. Burlingame showed on the occasion that he had a conscience,—and this is more than we are able to say of his *protégé*—; for actually, after the elevation of the latter, the efforts of the former “were directed in such a way as to do both the Chinese and Mr. Lay the least injury”;⁴ which can only mean to lessen the injury, inflicted upon Mr. Lay, with the greatest consideration for the Chinese exchequer; and implies, at least, an admission of the wrong perpetrated. Sir Frederick Bruce was honored with a special letter of thanks for “his noble conduct in relation to the flotilla” by the Hon. Mr. Burlingame, who repeatedly called to that conduct the attention of the American Government, which repeatedly “requested Mr. Adams (the then United States Minister at the Court of St. James) to make expression at London of the estimation in which Sir Frederick’s conduct was held by his Government”;⁵ and consequently on March 1, 1865, the Hon. Sir Frederick William Adolphus Bruce was appointed Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and made a g.c.b. on March 17, 1865.⁶ The Hon. Anson Burlingame received the President’s expression of approval and commendation for the course adopted by him, and “the thanks of Prince Kung and suite in person for the service he had rendered them by such practical suggestions as, from his cordial relations with all parties, he had been able to make”.⁷ And this at once reminds us of His Imperial Highness’ “greediness for presents” (96), and the circumstance that one or two of the most salient points, and to the English tax-payer most interesting features, of the case remain still to be told. The first is that Sir Frederick Bruce “voluntarily” relieved the Chinese of the expense of sending the Osborn flotilla back to Europe.⁸ “I received”, Prince Kung wrote to Mr. Lay on the 6th November, 1863, “from Sir Frederick Bruce a memo-

³ Horatio N. Lay, *Our Interests in China*, London, 1864, 8vo., p. 33.

⁴ *Papers relating to Foreign Affairs*, Washington, 1865, Part iii, pp. 348.

⁵ *Papers relating to Foreign Affairs*, Washington, 1865, Part iii, pp. 348—9.

⁶ Edward Hertalet, *The Foreign Office List*, London, 1867, 8vo., p. 64.

⁷ *Papers relating to Foreign Affairs*, Washington, 1865, Part iii, pp. 378, 349—50.

⁸ Horatio, N. Lay, *Our Interests in China*, London, 1864, p. 31.

random in English, in which he states that the British Government will defray the expenses of the ships homewards, and that *the Chinese Government need only advance the amount required, which will be refunded from the next quarterly payments of the indemnity...*, namely, about 213,000 taels". Mr. Lay, as Inspector-General of Customs, was to borrow the sum from the bank,—which he did, so that the ships and crews could be despatched without delay,—and to be re-paid out of the Custom's revenue in monthly instalments of 75,000 taels. Under this arrangement a sum of £45,000 was remitted to him by his successor Mr. Hart; which "*he returned, as it was not required*".¹ Why was this sum at all remitted to Mr. Lay? What became of it? Or what became of the corresponding sum, part of the sum total to be deducted from the next quarterly payment of indemnity to England? *Both* cannot have been re-paid to the bank. And was the whole amount of about £70,000 for expenses attending the return of the flotilla, which the Imperial Board of Revenue at Peking could not and did not dream of having presented to it by Sir Frederick Bruce as a spontaneous gift from the British Government, nevertheless "placed on the records of that Board"; or did it find its way simply into the Tsung-li Yamên? The latter assumption would account for the remarkable feeling of gratitude, expressed by Prince Kung and his suite to the Hon. Mr. Burlingame and, at his suggestion, to the British Government, as well as for their assent to the dissolution of the fleet; possibly also, in part, for the charge of "cupidity and greediness for presents" some time afterwards preferred against His Imperial Highness (96), and the subsequent anxiety of the Tsung-li Yamên to "have the whole business closed". This anxiety was expressed in a letter, dated the 11th of February, 1865, from the Tsung-li Yamên, not to the British, but, once more, to the American Minister; and the despatch of the latter, then in the United States, to his own Government on the subject, deserves to be literally transcribed. It reads thus: ² "Washington, November 27, 1865. SIR: I have the

¹ Horatio N. Lay, *Our Interests in China*, London, 1864, pp. 31—33, 48.

² Papers relating to Foreign Affairs, Washington, 1866, Part ii, p. 462.

honor to enclose a note handed to me on behalf of Prince Kung, by Tung Siun and Hangki, members of the Foreign Office in China. It relates to the Osborn flotilla, and my connexion therewith. *I ascertained in London that the British Government would take the vessels, and pay for them as soon as an appropriation could be made.* I was requested by the British authorities to consult with Sir Frederick Bruce, now the British Minister here, to the end that he might advise his Government in the interests of justice. I have seen Sir Frederick who, I am happy to say, *is prepared to aid the Chinese, and to urge his Government to at once close this business according to their wishes.* This proposed action on his part is but a continuation of that spirit of amity which led him, in the interests of peace, to send the flotilla to England, and will be appreciated by you. I have" etc.³ The final purchase, by the Home Government, of the Chinese Osborn-fleet "in the interests of *justice*", after some seventy thousand pounds had been expended to get it to England "in the interests of *peace*", is the second feature of the case, to which we desired to call attention. *Peace* and *Justice* have much to answer for when Humbug reigns triumphant. The American Ambassador at the Northern Capital grows jealous of English influence at the semi-barbarous and unapproachable Tatar Court; the British Minister has had enough of Peking and its Tsung-li Yamên, and is averse to "complications that no man can see the end of" with—his colleague. To save Great Britain, therefore, from "a mortal struggle with the Tai-ping rebels and the taunts of the civilised world", a comedy is got up, "regardless of expense". John Bull is made to pay the cost; and "the virtue of the plan is, that it settles everything in *Peking*, safely, to the satisfaction of all parties".⁴

99. From this digression, which has not only thrown some light on the relations existing between the Hon. Mr. Burlingame and Mr. Hart, but has given the reader also an insight into the rare faculties of the former American Envoy for bold intrigue and

³ Mr. Burlingame's despatch to Mr. Seward of November 7, 1863. (Papers relating to Foreign Affairs, Washington, 1865, Part iii, p. 344.)

⁴ Papers relating to Foreign Affairs, Washington, 1866, Part ii, pp. 445—9.

bolder, yet successful, humbug, as well as into the peculiar character of diplomacy as practised by certain Ministers in China, we may now return to our subject proper. We stated above that, from an early period of his sojourn in Peking, the Hon. Mr. Burlingame had, all along with a view to the Mission finally brought about, endeavoured to render his personal services acceptable to the Tsung-li Yamén. It would be needless for us to point out the dangerous tendencies of such an aim and such an ambition on the part of any public Representative, and their utter incompatibility with his position. Yet the Government of the United States would seem to have shut its eyes to this obvious truth; for it is from an account of several interviews, which the Hon. Mr. Burlingame, then on the eve of departure from China, held at the American Legation and the Tsung-li Yamén in February and March, 1865, and which account, prepared "from memory" by Dr. Martin, who acted as interpreter with Dr. Williams, was officially submitted to the American Secretariate of State, that we transcribe the following passages. They will not be read without interest.

"*Hangkee* (one of the Members of the Tsung-li Yamén): The Prince has not forgotten the numerous instances in which you have employed your good offices in our favor, of which not the least was your aid in relieving us of our embarrassment with the English flotilla...It would be gratifying to us if Your Excellency could delay your journey long enough to be present at a review of the troops we have had trained in the foreign drill. *Mr. Burlingame*:...I look upon the introduction of foreign arms and discipline as a measure of the first importance for the security of the empire. *Hangkee*: In organising this force our *first* object is the restoration of order in our interior provinces. Our *next* is the *protection of our seaports*¹ and of our foreign trade...But to change the subject, have you heard that a couple of Englishmen committed acts of violence, a few days ago, at the Temple of Everlasting Peace, beating the gate-keepers, and breaking a lock in order to effect an entrance? *Mr. Burlingame*:...It was a gross outrage....I have no doubt Mr. Wade will bring the offenders to justice. *Hangkee*: I know he has despatched officers to apprehend them, but *he throws the blame of the occurrence on us*, because, forsooth, we put locks on the gates of our sacred places, instead of allowing them to stand open for the gratification of promiscuous visitors. He even seizes on this opportunity, *inopportune as it is*, to press a demand for the removal of such restrictions. This is just as if

¹ At the present time, this utterance, the implied meaning of which can hardly be doubtful, has a strange significance.

² This meagre account of what passed at the "Interview with Prince Kung, at

an Englishman should cut a Chinaman across the neck, and Mr. Wade, while profuse in his regrets for the unfortunate occurrence, should recommend us to wear iron collars as a safeguard. Or I may give you another illustration, more amusing, but not less truthful. This appendage (holding up his cue) you are not accustomed to wear, and deem it of little value, while we regard it as the very seal of honor. A man who loses it is disgraced forever, and one who cuts off the cue of another is liable to be punished with banishment. Now, suppose an Englishman had cut off the cue of one of our people, Mr. Wade would admit that he had no right to do so. But what if he should proceed to counsel us to cut off all our cues, and dispense with a useless member, as the best means of securing ourselves against future insults?".....*Mr. Burlingame*: In taking leave of your Highness, it is pleasant to recollect the kindness and confidence with which I have been treated by your government since my residence among you. *Prince Kung*: It is not without sincere regret that we part with one whom we have found to be our true friend, and I cannot refrain from asking: is it necessary that you should leave us? *Mr. Burlingame*: I am going home on temporary leave. *Prince Kung*: Oh then we may expect to see you back again. Your President has a second term, and you ought to have another; as the books say, we like to change our clothes, but not our friends. *Mr. Burlingame*: *I certainly would return if I thought I could render your government any signal service.*—*Prince Kung*: But we will take no denial. *We wish you to pledge yourself to return to us.* If you are willing to resume your mission, you will join me in draining a glass in token of consent. (Mr. Burlingame, after a brief pause, takes the glass.) The covenant is ratified; friends are not allowed to forget a promise sealed by a glass of wine. *Mr. Burlingame*: *Perhaps, in my absence, I may serve you as effectually as I could if I were here.*—*Prince Kung*: We have been indebted to you on many occasions, and especially with regard to the English flotilla"²....."Before the arrival of Hangkee and Chunlun Mr. Burlingame gave Tung Ta-jen a few hints for the benefit of his government. In the event he said, of difficulties arising between the Chinese government and any representative of a foreign power, there were two methods by which they might be prevented from issuing in serious consequences. 1. To make sure that they were in the right, and then to send copies of the whole correspondence to each of the other resident ministers, with a request that it might be published in their respective countries. The fear of public opinion would prove a wholesome safeguard against violent or unjustifiable proceedings.³ 2. To SEND A DIPLOMATIC MISSION TO THE WEST. Both of these Mr. Burlingame illustrated with considerable detail, and Tung Ta-jen appeared to appreciate their value. In regard to the last he remarked that *his government is convinced of the necessity of sending envoys to western nations*, and that some of the youths in the government-school now receiving instruction from Dr. Martin were expected to become qualified for serving as interpreters and secretaries to such embassies. Mr. Burlingame closed the conversation on this topic by

the Foreign Office, March 3, 1865" leaves, in connection with other details, much room for combination.

³ The absurdity of this most anti-diplomatic suggestion even the Tsung-li Yamén failed not to perceive. They took no notice of it.

wishing Tung the good fortune to be appointed chief of the first embassy to the western world¹...Tung: You will be able to speak on our behalf, and concerning us in the countries, through which you pass...Prince Kung: On many points our customs and those of the west are at variance so widely that it is impossible to reconcile them. Tung: The ancient sages made it a maxim, when they visited a foreign state, to make careful inquiries, lest by chance they should transgress some of its prohibitions, or enter some places to which they were not allowed access. Mr. Burlingame: I know what you refer to, and regret that there should be any misunderstanding in regard to it...If, however, a case should occur in which you find it impossible to agree with the envoy of any nation, I am satisfied it would always be safe for you to submit the question to the judgment of a third party, and America, you know, is bound by treaty-stipulation to act as your umpire in cases of international difficulty.² Wénsiang: You are right in saying that we should be safe in submitting such questions, because we certainly should not venture to refer them to arbitrators unless we were sure of the soundness of our own position.³ Mr. Burlingame: On the occurrence of such disputes you would do well to guard against mistaking an impatient or imperious manner for indications of hostile feeling. The kindest feelings are not inconsistent with some degree of outward irritation. Prince Kung: That is the reason why the ancients have cautioned us not to judge men by their outward aspect.⁴ Mr. Burlingame: In leaving your capital I have great pleasure in assuring your Highness that you will find in Dr. Williams, whom I leave to act in my stead, a true friend, on whom you may rely at all times—one who has devoted his life to the good of China. Prince Kung: Dr. Williams has been known to us for many years. He stands in no need of recommendation. We greatly prefer him to any stranger you might send us. Hangkee: He is patient and considerate: [sarcastically] on one occasion we spent four hours at a stretch consulting with him on a single subject"... [At the next interview Prince Kung took occasion to call upon Tung to compose some poetry:] "Tung was not long in executing his task, and his neat little ode turned into English prose reads as follows: FORGET ME NOT. (Describing a picture). Two girls on shipboard sing a parting song: 'Hearts are deep or shallow, constant or feeble: say not that friends are all alike;

For the true friend is only he
Of deep and enduring sympathy'.

On taking leave, Prince Kung again reminded Mr. Burlingame how much he expected from the favorable representations he might be able to make in the different countries through which he would pass on his voyage homeward, and requested that he would allow three of the members of the foreign board to call again the next day. These officers came, and...Hang-

¹ The Hon. Mr. Burlingame knew perfectly well, that the acceptance of such a mission by Tung was out of the question.

² The American Minister is strangely mistaken in regard to this point. Art. i of the Treaty of Tientsin between the United States and China includes the phrase: "and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings". (Treaties between the United States of America and China, Japan, etc., published by authority,

kee declared that, while the Chinese government treats all the ministers with respect, it had never given such a demonstration as in the present instance, in which the Prince Kung and the highest officials had waited day after day at the American legation; and Wensiang and Tung, in parting with Mr. Burlingame, quoted the last line of Tung's sentimental ode—

‘For the true friend is only he
Of deep and enduring sympathy’”.

All this is really charming. It reads like a diplomatic novel: fiction adorned with truth; prose embellished with poetry. If the poetry be “neat”, the prose is plain: the Hon. Mr. Burlingame, during the business-intervals of those sentimental parting-scenes, threw out hints as broad as decency would permit, to intimate to His Imperial Highness Prince Kung that he was prepared, there and then,—in March, 1865,—to accept “the good fortune of being appointed chief of the first Chinese embassy to the western world”. The bold onslaught, however, was on that occasion adroitly parried. *Return to us soon!* the Tsung-li Yamén softly replied. Your contemplated journey will offer you many opportunities to manifest your “deep and enduring” devotion. Thereafter you may rely on us. So the Hon. Mr. Burlingame went; cajoled the English Government, “in the interests of justice”, as we have seen (98), into purchasing the Osborn flotilla; came back; and, on November 23, 1867, was able to telegraph to the United States Government: “Chinese empire appointed me envoy to treaty powers. Accepted” (6). He reaped where Mr. Hart had sown (18).

100. In the meantime, the American Government, at the suggestion of its Representative supported by Dr. Williams,⁵ had a portrait of Washington presented to Siú, one of the Members of the Tsung-li Yamén (23, B), in recognition of “a eulogy upon that great man”, written by Siú, several years ago, from information supplied to him, we are given to understand, by Mr. Lay. On the 14th November, 1867, the Hon. Mr. Burlingame informed the

Hongkong, 1862, 8vo., p. 24.)

³ The Chinese meaning of this is: “unless we have first assured ourselves that America will decide in our favor”.

⁴ It is to Mr. Wade, that these observations of the Hon. Mr. Burlingame and Prince Kung refer.

⁵ Papers relating to Foreign Affairs, Washington, 1868, Part i, p. 453. There was a delay in the portrait being sent, and Dr. Williams, in an argumentative letter, dated February 8, 1867, had to remind the American Secretary of State of his promise.

American Secretary of State: "On the 21st October last I presented the portrait of Washington, sent by the Government to Sen-ki-yu, in the presence of the Members of the Tsung-li Yamén. Dr. S. Wells Williams and Dr. W. A. P. Martin acted as interpreters. The ceremonies were impressive, and are well described in the *memorandum*, kindly prepared by Dr. Martin. Please find also the address of presentation, with Sen's reply":¹ The address was all Burlingamian. "You passed in review", the American Minister told Siú in it, "the great men of the countries of which you wrote, and placed Washington before all the rest". He did not. What he says, is that Washington was a remarkable man; as daring and brave as certain Chinese generals; and "*the first* who proposed the plan of electing men to office—the same idea, in fact, that had been handed down to us (the Chinese) from the three reigns of Yáu, Shun, and Yü".² But "you not only did this", the orator continues, "you even placed him above the statesmen and warriors of your own country, and declared that he re-called the three dynasties, whose serene virtues had shed their light along the ages for four thousand years";—a very oratorical but rather unlucky observation; and more unlucky still was the Hon. Mr. Burlingame in adding: "These words have been translated and read by the grateful countrymen of Washington". A Chinese *savant* praised by a barbarian for having placed a hero of the Mey State above the ten thousand heroes of the Flowery Land! and that sacrilege in the mouth of an Outer people! Poor Siú might, on the spot, have died with vexation; had not the speaker's ludicrous error in mistaking Yáo, Shun, and Yü for "the three dynasties", separated from those ancient sovereigns by five and twenty centuries, turned his remarks into ridicule. In Siú's reply, he quietly observes: "Among all the great men of your land, I think that Washington stands first for his surprising capacity". The Hon. Mr. Burlingame meanwhile goes on to place the Chinese Minister at the head of the T'ung-Wên Kuán

¹ "Sen" is probably only a misprint for "Seu" or "Sew".

² Papers relating to Foreign Affairs, Washington, 1865, Part i, pp. 514—5.

³ It is manifest from this,—and the subsequent conduct of Chinese officials confirms the inference,—that the Tsung-li Yamén were thus led by the Hon. Mr. Burlingame to rely on the armed support of the United States, in the event of grave

"by a sort of poetic justice"; tells him that Washington, like his countrymen, "believed that every man is entitled to the inspiration of fair opportunity",—whatever that may mean—; makes him "hold to the great doctrine of Confucius, spoken twenty-three hundred years ago, that 'we should not do to others what we would not that others should do to us'"; and thus concludes his harangue: "I present this portrait with all goodwill in the name of the people of the United States, hoping it may ever re-call to you and yours their *enduring* friendship for your country, and their love [*sic*] and regard for you, its worthy representative". Was the portrait of Washington to remind Prince Kung and the Tsung-li Yamén of all the "enduring sympathy", manifested for them by the Hon. Mr. Burlingame, and of their promises relative thereto? Faithfully were those promises kept. From the conversation, which took place after the reading of the address, we subjoin a few quotations likely to interest the reader.

"*Mr. Burlingame*: Washington cautioned his countrymen against unjust encroachments on other nations, or violent interferences with their policy. In conformity with his teachings we systematically abstain from foreign wars. *Wensang*: Is all interference so far out of the question that you cannot even lend a helping hand to your friends when they are in need? *Mr. Burlingame*: We can and do afford them our moral support, as we have recently done in the case of Mexico, relieving the people of that country from the yoke of a foreign oppressor and leaving them free to choose their own rulers.—To this the Chinese Ministers all replied by expressing their gratification at the manner in which we had enforced a policy of non-intervention, and Tung went on to remind Mr. Burlingame that America had formally accepted the position of mediator in the difficulties of China³...Tung spoke of it as an interesting fact that the new work [to what 'new work' allusion is here made, is not clear] places America on the east, and they all express interest in learning that the Pacific line is already a commercial success. *Mr. Burlingame*: The success of that line, by throwing commerce into a new channel, promises to remedy another evil. At present you take opium in payment for your tea and silk, but as specie comes in from California, the amount of the drug imported from abroad will be reduced. *Tan*: Anything would be desirable that might check the trade in opium.—A remark in reference to the new college here led Mr. Burlingame to speak of Mr. Hart, inspector-general of maritime customs, who has taken a leading

differences between China and other Powers. The Chinese were perfectly aware to what an extent the American Government did carry, and would have carried, if necessary, a moral support, which, as it was, resulted in the triumph of Juárez, and the murder—for his execution was nothing less—, of the Emperor Maximilian of Mexico. They may have associated also this "moral support" with the Mexican war.

part in its organisation. He warned the mandarins not to allow their confidence in Mr. Hart to be shaken by the misrepresentations of interested parties. *Wensiang*: Such parties are actuated by malice and envy; the rats are of course not overfriendly with the cat; but we are not inclined to listen to the rats. *Mr. Burlingame*: Though Mr. Hart is not a countryman of mine, I assure you that he is thoroughly honest, and a man of rare ability,—one whom it would be difficult, if not impossible, to re-place. *Wensiang*: Mr. Hart was originally recommended by your excellency, and if he were removed we should look to you to nominate a successor. But we know the value of Mr. Hart too thoroughly to think of superseding him. Fidelity always makes enemies".¹

We have devoted a somewhat larger space to the present section, than its subject may seem to require; but, apart from the many incidental points of interest, which have thus been brought out, we considered it a matter of sufficient importance for our immediate object, to trace, as clearly as possible, the nature of the intimate relations existing between the Hon. Mr. Burlingame and Mr. Hart; to prove the correctness of our previous statements regarding the origin of the Burlingame Mission (18—22), when the corroboratory official testimony, now adduced, was as yet not in our possession; and to place—to use no harsher expression—the utter unreliability of the former American Minister and the present Inspector-General of Chinese Maritime Customs beyond a doubt.

¹ Papers relating to Foreign Affairs, Washington, 1868, Part i, pp. 513—4.

§ 11.

THE MISSION AND SIR RUTHERFORD ALCOCK.

101. Sir Rutherford Alcock may have been an able surgeon and a thrifty consul;¹ but, from the first period of his appointment, in 1859, to the position of Envoy Extraordinary and Minister Plenipotentiary in Japan and subsequently in China, he certainly has shown himself, despite of many excellent qualities, unequal to the higher diplomatic functions, entrusted to him by the Home Government".² To some extent, no doubt, the debilitating effects of a long exposure to the Chinese climate and of advancing years have had their share in impairing his former energies and mental powers. Yet a mere relaxation of strength hardly suffices to account for a complete failure. Nor is his want of success ascribable to that superficiality in all things, which so greatly, distinguishes him; considering that in almost all things it is superficiality which, in our superficial times, carries the day. It needs fundamental defects or peculiarities of character to mar a diplomatic career; especially in China. Among these, as possessed by Sir Rutherford Alcock, we would place, foremost, a marked want of tact and judgment; a repellent bombastic and self-sufficient tone of conversation; and, as is not rarely found to be the case with *parvenus*, an exaggerated opinion of his own importance. In the latter respect, he might as well have been the envoy of some petty German or Italian State of old,³ as the Representative of England. "If I could forget but for

¹ Edward Hertalet, *The Foreign Office List*, compiled from official documents, London, 1867, 8vo., p. 51.

² "If I am asked how the Foreign Office could ever bestow such a high post on any man *not* of marked ability, I reply that, besides being senior consul, he possesses ability of a peculiar kind in a supereminent degree. As a blower of soap bubbles he was incomparable! and for address and a keen eye to the direction in which the wind blows, it will not be easy to find his equal".—*James MacDonald*, *The China Question*, London, 1870, p. 22.

³ *Embassies and Foreign Courts*, London, 1855, 8vo., p. 257.

three days together", he remarked one evening at his pleasant summer-retreat among the Western Hills, "that I am British Minister: I should be the happiest man alive". Indeed, he is "always in the clouds—a Jove, too majestic to be useful".¹ Even in trifles, bearing on his majesty, he is painfully fastidious; inviting ridicule, instead of commanding respect. He is at all times and in every society found to "lay down the law",—quite in the Rhodes-Colossus style: hollow, but "bestriding the narrow world". Consequently in no high favor with his colleagues, he fails to gain their sympathies and their confidence; whilst they make use of his foibles, and amuse themselves at his conceit. He is decidedly unpopular. And what should be his despatches to the Home Government, are frequently semi-philosophical dissertations of soporific length. They are sometimes printed, never read—, the night-mare of the précis-writers at the Foreign Office. In short, the failings and shortcomings of Sir Rutherford Alcock, as a diplomatist, are so numerous as to obscure and render of none effect those many excellent qualities of his, with which they are inextricably mixed up, and render him, whatever be his merits in other respects, unfit for the responsible post of a Representative of the British Government and of British interests either in China or elsewhere.

102. One of the principal disqualifications of a diplomatist peculiar to Sir Rutherford Alcock, is, as has been already observed, his marked want of tact and judgment,² and we may be permitted to adduce here a few illustrations of this defect on his part, to show its important bearing even in cases of apparently little significance. We have no desire to recur to the Japan period and the ugly case of Mr. Moss, in which the British Minister was sued in the Hongkong Courts of Justice and had to pay damages for false imprisonment;³ but will restrict ourselves to a few of the instances,

¹ Embassies and Foreign Courts, London, 1855, 8vo., p. 256.

² See also Mr. Wilson, History of the Tai-ping Rebellion, London, 1868, 8vo., p. 307; and Mr. MacDonald, The China Question, London, 1870, 8vo., pp. 14—21.

³ "One characteristic act remains to be recorded of him—Sir Rutherford Alcock—in Japan, not the *first* outburst of an ignoble disposition to oppress and victimize individuals. I refer to his deportation of Mr. Moss—an Englishman—who had, in defending himself from some Japanese assailants, wounded one of them. In this case

which fell under our personal notice at Peking, and which have exercised a not inconsiderable influence on the present state of our relations with China. One of the finest monuments of the Northern Capital is "the Temple of Heaven", where the Emperor alone, as the Highpriest of Mankind, on great occasions sacrifices to, and propitiates, the Deity. Occupying a vast area, inclosed by a high brick wall, it is to Peking and China, what the Temple of Solomon was to Jerusalem and Palestine; except that the former is inaccessible to the multitude, and rarely opened. Well, it happened, we believe, to the second Secretary of Legation, Mr. Richard Conolly, that first the idea occurred—and a "brighter" idea, perhaps, never did occur to him—of converting the grounds attached to "the Temple of Heaven" into cricket-grounds for the hygienic exercise of "foreign devils". A match was arranged; an entrance forced through the wall for horse and man; the wicket placed; the game played. The second match, in which also the first Secretary of Legation Mr. Hugh Fraser took part, and the attendance at which including nearly every member of the English Legation, was graced by the presence of H. B. M. Representative, Sir Rutherford Alcock himself, accompanied by his family, on horseback. There resulted, of course, an official remonstrance on the part of the Tsung-li Yamén, followed by some diplomatic correspondence, and the discontinuance of the unheard-of outrage. The Chinese Government, instead of sending the British Envoy his passports, and ordering him to leave the Capital within four-and-twenty hours, allowed the matter to drop: but did the recollection of the outrage drop, as well, from the minds of the Chinese officials, so retentive of insult and feelings of hatred and revenge? Let us imagine a victorious Tatar army to have forced upon the reluctant English Government a resident Ambassador in London, at whose disposal it had been

again it was plain how little he could foresee the consequences of his acts. Lord Russell, then Foreign Minister, on being appealed to, marked his sense of this act of tyranny by commanding Sir R. Alcock to invite Mr. Moss back to Japan, and to remit the fine he had imposed upon him. A Hongkong jury—the Supreme Court then being held there—gave Mr. Moss £500 damages in the action he brought against Sir R. Alcock, stating it would have awarded the £2,500 claimed, but that a technical reason prevented it".—*James MacDonald*, *The China Question*, London, 1870, 8vo., p. 22.

necessary to place Marlborough-House; and this Ambassador, attended by his secretaries, dragomans, student-interpreters, and escort-men, all mounted in Chinese style, rush through the streets of the British Metropolis, and, after effecting a breach in the palings of Westminster-Abbey or St. Paul's, set to playing at foot-ball—a favorite pastime of the Chinese—within the sacred precincts. We shall then be in a measure prepared to answer our question.

103. There is a private hunting-park of the Emperor of China situated in the Western Hills. Its shining walls may be seen stretching for miles and miles along the crests of the mountain and descending to the plain, from the heights about Pa-ta-chu, a group of temples, where the members of the English Legation use to congregate around their chief during the hot season. The park had been thrown open by order of the Chinese Government to peaceable strangers, who might desire to view the beauties of its picturesque enclosures. The attractions of nature, however, offer but little attraction to Diplomatic and Consular Young-England in China; and the bright example of the second Secretary of Legation having aroused the emulative spirit of two of the student-interpreters for exploits of a not merely contemplative order: they, one fine morning, slung their double-barrelled guns over their shoulders; accompanied by two of the escort-men, similarly armed, repaired to the private Imperial hunting-ground; forced the entrance; killed a couple of fine deer; in spite of the prayers and remonstrances of the gate-keepers, carried them off in triumph to their temple; and sent a due portion of the result of their poaching-expedition, as a present, to Sir Rutherford Alcock. Here, the British Minister had an opportunity offered to him, by a simple act of justice and decorum, to gain not only the respect, but also the sympathies of the Imperial Government, and popularity throughout China; but, as he had countenanced and patronized the cricketing trespass of his subordinates on the grounds of the Temple of Heaven, so, instead of treating the case in conformity with the laws of England, he countenanced and patronised the poaching trespass of his subordinates on the grounds of the Emperor's private hunting-park; accepted a share of the spoil; and, fully acquainted with the circumstances of

the case, invited friends to partake at dinner of a haunch of venison, stolen by force of arms from the Imperial preserves. The incident created a most painful impression among the Chinese. "Ah," we were repeatedly and repeatedly told in tones of unusual bitterness, "a Chinaman would have lost his head for such a deed: the *foreigner* is allowed to commit it with impunity"; and every resident in China knows, how quickly and widely the knowledge of an occurrence of this kind, with the feelings created by it, speeds through the land. Again there ensued an official correspondence, on the subject of this fresh outrage between the Tsung-li Yamén and the British Legation; and again the Chinese authorities contented themselves to lay aside its recollection and their resentment—for the future. Meantime the Imperial hunting-park and the Wan-sho-shán,—the destroyed portion of the Yüen-ming-yüen,—which had also been thrown open, were hermetically closed to the non-Chinese public; a military guard of twenty men being placed at the entrance of the latter park with strict orders to admit no foreigner whomsoever. What became of the unfortunate gate-keepers, who had to report the poaching-case, we have not been able to ascertain; but there is only too much reason to presume, that they were at once decapitated. We have seen how deeply offences of this nature rankle in the mind of the Chinese; how strong a dislike was provoked by an inopportune demand, connected with such an offence, against Mr. Wade (95); and we feel no hesitation in stating it as our conviction, that the outrages here alluded to,—and numerous other acts of a similar tendency which we could enumerate,—encouraged, shielded, or ignored by Sir Rutherford Alcock, have done more to excite and spread animosity and ill-will against foreigners in China, than have done all our wars taken together.

104. Nor are there wanting instances of Sir Rutherford's defect of judgment, productive of contempt instead of hatred on the part of the Chinese; and the former feeling with this strange people is perhaps the most mischievous of the two. Thus, when soon after the poaching-case a member of the English Legation, who had gone to visit the so-called Great Lamasary, trespassed on forbidden Temple-ground, and refused to give the usual *douceur* to the attend-

ing priest, was pulled from his horse and beaten with sticks, the British Minister in his turn, and as a set-off, as it were, against the delinquencies of his own subordinates, allowed, after some correspondence, the dangerous precedent to be established, that a member of the English Legation may in Peking be bodily ill-treated, with impunity, by the populace. The French Chargé d'Affaires, Count de Rochechouart acted otherwise. One of his native attendants, whose horse, on the French *cortège* passing the cavalcade of one of the Imperial Princes of China, in a narrow gateway, happened to jostle against the horse of the Prince, was struck by the latter with his riding-whip. M. de Rochechouart, viewing the act as an insult to the Representative of France, insisted on, and obtained, an apology. Firmness and consistency, even when exacting, command at least the respect of the Chinese. Their notions differ in many ways from ours. They *f.i.* divide the people into four classes: literati, agriculturists, artisans, and, lastly, traders. A military coat is not as attractive in China as it is in Europe: the profession of arms is looked down upon, and ignored. A pawn-broker ranks above our banker. In the lowest estimation the trader is held. When, therefore, the Tsung-li Yamén learned—and they learn *everything* about the doings of foreigners in Peking,—that the American Chargé d'Affaires keeps,

¹ In "the Illustrated London News" there appeared, a year or two ago, an account, accompanied by wood-engravings, of three *cloisonné* vases of questionable taste and doubtful antiquity, purchased from Sir Rutherford Alcock's London trading agent, by the King of the Belgians. They were bought in Peking for Taels 1,100—(about £325),—a price over which the Chinese dealer chuckled—and sold, it was understood, for about £2,000. There are manufactories of these vases in the Capital and other cities of China, which produce "antiques", sometimes so well imitated as to render it difficult to recognize them as modern productions.

² The Hon. Mr. Burlingame's despatch to the American Government of Nov. 7, 1863, in "Papers relating to Foreign Affairs", Washington, 1865, Part iii, p. 345. His words, referring to the Tsung-li Yamén having "followed his advice respecting the Osborn flotilla to the letter and addressed a handsome letter to Sir Frederick Bruce to this effect, and, *without suggestion from any one*, adding, that they would be pleased if he would accept ten thousand taels", are: "Had Captain Osborn thought more of his pecuniary interests, and less of his own and his country's honor, he would have taken command on the Chinese conditions—have made an attack upon Nanking, won a temporary notoriety, and left his country involved in a mortal struggle with the rebels and subject to the taunts of the civilized world. For his noble course I do hope he may be appreciated at home, as he is here, not only by the representatives of foreign powers but by the Chinese themselves. They had come to believe that every foreigner could be had for money, upon any terms. One man has illustrated

though not publicly, a store; and the British Minister deals, though on the sly, largely and profitably¹ in *objects de vertu*, (in the capital named "curios"): the contempt, which they constitutionally entertain for all "barbarians", being found to rest on a solid basis, reaches in these particular cases a higher degree of intensity. It may be prejudice on the part of the Chinese,—while Sir Rutherford Alcock may feel that a salary of £6,000 a year (besides various allowances and a princely mansion to reside in), is a sum insufficient to keep up his exalted position, and an inadequate remuneration for his eminent services—: but since that prejudice unhappily exists, we wonder less at the Tsung-li Yamén having come under the impression, erroneous though it be, "that every foreigner can be had for money, upon any terms",² and, when the Representative of England resorts to a menacing attitude towards the Chinese Government, at his failing to produce the desired effect.³ An unsuccessful attempt at intimidation is under all circumstances the proof of a great want of tact and judgment on the part of a diplomatist. So are futile attempts at legislation. Of several of the latter Sir Rutherford Alcock had the mortification to promulgate, himself, official "Notifications", announcing the disapproval of his measures by Her Majesty in Council.⁴ Others were quietly

the higher quality of western civilization, and that man is Captain Sherard Osborn". The gallant Captain must have felt somewhat uncomfortable at this united compliment, paid him by the Tsung-li Yamén and the Hon. Mr. Burlingame. But would it not have been more noble on his own part, if the former American Minister had followed the noble example set him by the English officer? True, though: he has fairly proved to the Chinese Government, that "not every foreigner can be had for money upon any terms". Already towards the close of 1869 the Tsung-li Yamén bitterly complained, that the Burlingame Mission had cost them no less than *half a million of taels*—about £150,000. It would be interesting to know in what manner and for what purposes that large sum had been expended.

² We allude to a visit paid by Sir Rutherford Alcock to the Tsung-li Yamén, in connection with the revision of the Treaty of Tientsin, on Nov. 9, 1868. We shall have to speak of it hereafter.

⁴ As a specimen of these Notifications, we reprint the following: "NOTIFICATION.—Whereas Notice has been received from Her Majesty's Principal Secretary of State for Foreign Affairs, that a Notification, given under my seal on the 14th day of June, 1867, providing for the infliction of certain Penalties for violations of Treaty in cases where no specific penalty is stipulated for in such Treaty, has been disapproved by the Queen, the same is hereby publicly notified, and the said Notification of the 14th of June declared to be no longer in force, in accordance with the 85th Section of the Queen's Order in Council of 1865. RUTHERFORD ALCOCK. British

consigned to oblivion. Thus, a kind of tailoring "Notification", ordering, in imitation of the founders of Chinese dynasties, a distinguishing dress for Chinese British subjects (of the male species) residing or travelling in China; but omitting to prescribe the necessary technical details.¹ Hence, the British Chinese of Shanghai knowingly met the "Notification" of Sir Rutherford Alcock by a Memorial, requesting permission to adopt the costume of the Ming; which, if granted, would have led to endless complications with the Tatar Government.² Naturally, there the matter rested, and rests, we believe, to this day; the British Chinese having the laugh against the British Minister.

105. A Representative, so ill-judging, tactless and self-sufficient it was the misfortune of England to have in China when, in the latter part of November, 1867, the announcement of the Hon. Mr.

Legation, Peking, June 4th, 1868". (Supreme Court and Consular Gazette for June 20, 1868, No. 77.)

¹ This curious document reads thus: "NOTIFICATION.—Whereas many persons of Chinese descent, who are or claim to be British Subjects, go to reside or travel in the dominions of the Emperor of China, and whereas serious difficulty exists in distinguishing such British Subjects from natives amenable to Chinese laws only, and accordingly great practical inconvenience frequently arises to the parties themselves and to the authorities of both countries; and whereas it is desirable, with a view to the maintenance of order and good Government, of British Subjects of Chinese descent resorting to China, and for the maintenance of friendly relations between British subjects and Chinese subjects and authorities, that a remedy should be provided for such inconvenience. Therefore by the authority and power vested in me by the 85th Section of China and Japan Order in Council 1865, I do declare and order that all British subjects of Chinese descent shall, while residing or being in Chinese territory, discard the Chinese costume and adopt some other dress or costume whereby they may readily be distinguished from the native population. And I do further warn all British subjects of Chinese descent so residing or being in the Chinese dominions as aforesaid, that in the event of their infringing or not observing this Order and Regulation, they shall not be entitled to claim British protection or interference on their behalf in any Court of Justice or elsewhere in the Chinese dominions.

And I do further order that every British subject of Chinese descent who shall sue in any Chinese Court of Justice, or appear in public before the authorities of the Empire, shall be, and he is hereby required to pay all due respect to the Chinese authorities according to the customs and usages of the country, save and except that such British subject shall not be bound or required to observe any custom or ceremony whereby he would admit that he is a subject of His Imperial Majesty.

Given under my hand and seal at Peking this sixth day of October, one thousand eight hundred and sixty-eight. RUTHERFORD ALCOCK, *Her Britannic Majesty's Envoy Extraordinary, Minister Plenipotentiary, and Chief Superintendent of Trade.*" (Supreme Court and Consular Gazette for Oct. 24, 1868, No. 95.)

² The following is the text of the Petition, translated into English: "To Sir

Burlingame's Mission to the Treaty-Powers as Chinese envoy took nearly the whole diplomatic world of Peking by surprise. It should not have done so. What had come to the knowledge of private persons of the progress of the scheme in the month of June preceding (18), the British Minister, surely, ought to have been fully acquainted with in the month of May. He, as we have shown before, had enjoyed the opportunity of watching that progress for more than two years past. But, not only did he remain in ignorance of what was taking place during the earlier stages of a diplomatic intrigue, which so nearly concerned the interests of England and was chiefly directed against his own policy: he, moreover, continued in ignorance of the final negotiations, to which it led, whilst they were being carried on and brought to a successful termination in broad daylight and with the active participation of one of his own subordinates, the

RUTHERFORD ALCOCK, K.C.B., *H. B. M.'s Envoy Extraordinary, Minister Plenipotentiary, and Chief Superintendent of Trade in China.* The Petition of the Undersigned, British Subjects of Chinese descent, resident in Shanghai; Humbly Sheweth: That your Petitioners have read and carefully considered Your Excellency's dispatch and Notification, dated at Peking the 7th day of October, 1868, relating to the conditions under which Chinese descended British Subjects may reside or travel in China under British protection, and your Petitioners while humbly submitting to Your Excellency's Notification, beg to submit the following suggestion for Your Excellency's consideration and approval. 1st.—As to change of the dress. Your Excellency while ordering a change from the present Chinese costume does not name any particular dress, and your Petitioners request the liberty of being allowed to adopt a mode for themselves; they object to any European dress, because a great number of Chinese of the lower classes, in the English, French, and American Settlements, not being Chinese descended British subjects, are attired wholly or partially in such a costume, thereby appearing more like Portuguese or half castes than British, while they know of no Chinese born subjects who have discarded Chinese dress and assumed European costume. 2nd.—Your Petitioners humbly submit, as a change more in consonance with their personal feelings, as well as more agreeable to their position as subjects of a free nation, and one by which moreover they could be readily distinguished as Chinese descended British subjects, that they be allowed to assume as in accordance with Your Excellency's Notifications aforesaid, their ancestral dress worn during the Ming dynasty; for this reason, that their forefathers being pure Chinese, were forced two hundred years ago by the conquest of their country by the Manchu Tartars to seek the hospitality of neighbouring countries, and notably that of Great Britain; under whose equal laws and wise institutions they have up to this time continued to enjoy peace, and comparative prosperity. 3rd.—Your Petitioners are willing to pay due respect to officials presiding in a Chinese Court of Justice, but only such respect as is consistent with English custom, they looking upon themselves as British in every sense of the word and only amenable to British laws and customs. And your Petitioners will ever pray, etc. Lo Yeun-Yew, Tan-Choon-Leng, and fourteen others". (The North-China Herald for Dec. 12, 1868.)

Assistant Chinese Secretary of the British Legation; accepted, or rather was under the necessity of accepting, the jocular and puerile story of the spontaneous origin of the Mission (19) for serious truth; and was totally unprepared to deal with the *fait accompli*, when it came upon him like a thunderbolt. For a day or two Sir Rutherford barely recovered from his consternation, and, taking a view unfavorable to the Mission, seemed inclined to join his colleagues in opposing it. At a prolonged interview with Mr. Hart, however, a sudden light would seem to have broken in upon his diplomatic prescience: the Burlingame Mission was to be the salvation of China. From that day "It will be the salvation of China!" was heard to resound through the English Legation; the enthusiasm knew no bounds; and it was Sir Rutherford Alcock who had been pressing this momentous step on the Tsung-li Yamén for ever so long. In short, the British Minister, to use a graphic expression, *fathered* the Burlingame Mission; lent to it his entire and warm support; and thus made himself responsible for all its consequences.

106. By what arguments, if arguments they were, can Mr. Hart have succeeded in gaining Sir Rutherford Alcock so completely over to a scheme, which on the very face of it bore the signs of mischief, intrigue, and hostility to European interests? We know not. Nor do we care to inquire. The result has proved, that the British Minister allowed himself to be deceived by the confidential adviser of the Tsung-li Yamén. The error, thus committed by him,—of itself one fatal to the reputation of a diplomatist,—was greatly aggravated by circumstances. Not only was he warned of the true character and objects of the proposed Mission, and heeded not the warning: he, moreover, in granting his countenance to the scheme, acted in opposition to the opinion—and we are enabled to state so on unquestionable authority—the *unanimous* opinion of his colleagues,—men in every sense superior to himself. Baron von Rehfues, the Minister, at that time for Prussia, now for the North-German Confederation, is one of the most distinguished diplomatists in the East. Endowed with a strong intellect, unusual powers of penetration, and great decision, he combines with an extensive legal and general knowledge, gained in the severe

training-school of a German University, a long experience, and has deservedly acquired credit for his successful conduct of the political and commercial relations of Germany with China, as well as for the correct and early intelligence, which he is known to forward to his Government. The then Representative of France, Count de Lallemand, enjoyed universal respect, being a man of honor and integrity; of statesmanlike qualities; of frank demeanour; condescending to nothing either false or mean; and suffering no one to entertain the idea of his acting against his own convictions. General Vlangali, the Ambassador of Russia, and the most influential and best informed Foreign Minister at Peking, at present on leave of absence in Europe, is a diplomatist of the highest distinction, combining with professional science of an elevated order a large fund of sound and extensive general knowledge; gifted with rare abilities; a man of classical taste and refinement; of unostentatious, pleasing manners; of great tact and judgment; highly and universally popular; possessed of all those peculiar qualities, which an unclouded intercourse with Chinese statesmen demands; and by far the most successful Minister the Russian Government have had in China,—a Minister, whom, if a sphere more in accordance with his merits and capacities were to be assigned to him elsewhere, Russia would find it difficult to re-place at “the Northern Capital”. Now, these men so different in character and representing interests so opposite, took the same identical view of the proposed Mission; and, had Sir Rutherford Alcock joined them in their opposition to it,—an opposition which could be rendered effective only by a united action,—that Mission, there is every reason to believe, would not have left the shores of the Celestial Empire. Yet, the British Minister, in disregard of the unanimous opinion of his colleagues, listened, strange to say, to the persuasive advice of Mr. Hart, the confidential agent of the Tsung-li Yamén; thus incurring a doubly grave responsibility. That Mr. Hart spared no argument, which he judged calculated to prevent the failure of his scheme, *then trembling in the balance*, we may fairly conclude from his subsequent action (§ 9); and it is not presumable that he should have forborne to avail himself even of elements of a personal character, provided such elements did exist.

Mr. Hart is far from being a man of delicate and refined feelings. And the private relations between Sir Rutherford Alcock and Mr. Hart were not such as ought to exist between a British Minister and an Inspector-General of Chinese Maritime Customs, holding simultaneously the quasi-official position of confidential adviser of the Tsung-li Yamén, and acting in its interests. Whether or not the former allowed those private relations to influence his public conduct, the Representative of England ought to be placed above the very suspicion of being thus influenced; and, sensible as Sir Rutherford Alcock is of the high dignity of his position, he should have been equally sensible of its higher obligations. "*Noblesse oblige*".

107. After having committed the error of granting his support to the Burlingame Mission-scheme, the English Ambassador continued to fall from one mistake into another, relative to it. In the first instance he granted to Mr. Brown, Assistant Chinese Secretary, instead of dismissing him from the British service, leave of absence for two years to accompany the Chinese Mission, in the capacity of its first Secretary, to Europe. Whether he named the latter at the same time, or had previously named him, also his Private Secretary, we know not. Of course, Sir Rutherford Alcock will take credit to himself for acting as he did, on grounds to which we need not allude. But the principle involved in Mr. Brown's conduct, and to which we shall revert in speaking of the similar case of the Hon. Mr. Burlingame, appears to us of such paramount importance to the public service in general, as to outweigh every other consideration. Besides, could Mr. Brown, as a faithful

¹ On Mr. Brown's visit to Peking, in the autumn of 1869 (2), Sir Rutherford Alcock was not even aware of his arrival. They accidentally met, to the surprise of the British Minister, at the Tsung-li Yamén.

² "In our record of Parliamentary proceedings there is one paragraph that will excite both astonishment and disgust in the minds of our readers. We refer to the announcement made by Lord Stanley in the House of Commons that he had approved the appointment of Mr. John McLeavy Brown as member of Mr. Burlingame's Embassy, and that he was prepared to enter into negotiations or discussions with Mr. Burlingame (should his credentials prove authentic) on 'all matters affecting the Chinese Empire'. In our opinion a more fatal error could hardly have been committed".—The London and China Express, March 18, 1868.

³ (In the House of Commons, yesterday) "Col. Sykes asked the Under-Secretary

servant of the Chinese Government, be expected to serve, in some mysterious way or other, the English Government at the same time? Having proved disloyal to the latter, was he expected to betray the former? ¹ When, in March, 1868, Lord Stanley announced in the House of Commons his approval of Mr. Brown's temporary appointment to the Chinese Mission: ² he clearly can have done so only under an erroneous apprehension as to the merits of the case; and we are warranted in the conclusion, that he had been misinformed on the subject by Sir Rutherford Alcock. But when, two years subsequently, Mr. Brown's services are for a further period lent to the Tsung-li Yamèn by Lord Clarendon, ³ we freely confess that, in consistency with the public duty of the late Secretary of State for Foreign Affairs, or the honest performance of his charge by the First Secretary of the Chinese Mission, we are at a loss to account for the fact.

108. Mr. Brown, as we have already had occasion to remark, had perhaps not his equal as a Chinese colloquist in Peking. Second to him only at the British Legation stood, in this respect, Mr. John Gillespie Murray, appointed Student Interpreter in 1861, and since then promoted to the position of Assistant and Accountant, being a very promising public servant. Sir Rutherford Alcock committed the error, for private reasons, to give to Mr. Murray leave of absence at a juncture, when his services as Interpreter were almost indispensable, and to temporarily appoint in Mr. Brown's place Mr. Thomas Adkins, then Acting Vice-Consul at Shanghai, whose limited knowledge of Chinese had "grown rusty"; who—a somewhat easy-going man—undertook a post, to the duties of which

for Foreign Affairs, whether Mr. McLeavy Brown, ex-Chinese Secretary to the Legation at Peking and Private Secretary to the British Minister, and now in charge of the Chinese Embassy to Europe, has resigned his office or is still in the service of the British Government; and, if so, whether on the return of the Chinese Embassy to Peking he will be permitted to resume his place in the British service to the prejudice of the claims of his juniors in the diplomatic line. Mr. Otway, in reply observed that the hon. and gallant member was premature in describing the gentleman to whom he referred as the ex-Chinese Secretary to the Legation at Peking. He had been permitted to attend the Chinese Embassy to Europe on leave, but without pay, for a certain period, which leave had been further extended by the Secretary of State at the request of the Chinese Ambassador".—The London and China Express, June 17, 1870.

he felt himself unequal, with reluctance; and who was an old and intimate personal friend of Mr. Hart's. We have already spoken of the Inspector-General's exceptional attentions to the foreign dragomans in Peking (16). By a strange coincidence the Interpreters of both the Prussian and the French Legations had, at the time of Mr. Brown's semi-secession from the English service, applied for leave of absence, and soon afterwards took their departure for Europe; the former gentleman, an excellent linguist and thoroughly master of the vernacular language of the Northern Capital, having been repeatedly tempted by the Tsung-li Yamèn and Mr. Hart¹ to enter the more remunerative, though somewhat unstable, service of the Celestial Empire. He was replaced, for the time being, by the then Acting Vice-Consul at Tientsin, of whose Chinese proclivities and linguistic proficiency the reader has had the opportunity of judging for himself (67, Note 6); the French Interpreter by M. Huber, a *pendant* to the latter. But even the accomplishments of these sinologues would seem, with the falsified version of the Hon. Mr. Burlingame's Letter of Credence on his mind and before his eyes, to have troubled Mr. Hart. At any rate, after having ascertained, in one case directly, in the other case at first indirectly and in an underhand manner, their disposition to join the Imperial service, he had both the bad taste and the boldness to write to the French and Prussian Ministers to offer, as a favor, for their Interpreters, being public servants of the Prussian and French Governments, respectively,—we need not say, under a plausible pretext,—the position of clerks (at a high salary) in the Tatar Customs department. M. de Rochechouart profited by the opportunity to substitute for M. Huber, duly gazetted (12) M. Devéria; who soon proved himself a superior and independent Interpreter: whilst the Prussian Government, unwilling to educate at its cost German students for the benefit of the Celestial Revenue,

¹ Mr. Hart himself, it will be remembered (8), after having been sent out to China by, and qualified himself for public service at the expense of, the British Government, soon threw up his Consular appointment, and, from mercenary motives, went over to the Tatars.

² Thus in an official letter, dated March 12, 1869, and addressed by Sir Rutherford Alcock to H. M.'s Consul Mr. Medhurst in Shanghai, in answer to a memorial from Dr. Macgowan urging on the Chinese Government the adoption of telegraphy, he

had attached precautionary conditions to their Chinese appointments, from which the gentleman in question found it out of his power to free himself. In so far, then, Mr. Hart saw his plan frustrated. Still, there the plan remained, together with the fact that, during a considerable period following upon the realisation of the Burlingame Mission-scheme, besides the Russian Embassy, the American was the only Legation at Peking in a position, through its twin-Interpreters Drs. Williams and Martin, to effectually communicate with the Tsung-li Yamén. Manifestly, therefore, it was to the detriment of the public service that the British Minister, at such a period and for private reasons, urged his leave of absence upon Mr. Murray.

109. In the same measure in which the true objects and tendencies of the Burlingame Mission, during its progress through the United States, became apparent, and the unpleasant conviction forced itself upon Sir Rutherford Alcock's mind, that he had allowed himself to be deceived by Mr. Hart, or to be misguided by his own judgment, or both: the cry "It will be the salvation of China!", with which the British Legation had at first hailed that Mission, grew fainter and fainter; and when, finally, the new China policy, adopted by the Home Government at the instance of the Hon. Mr. Burlingame, was communicated, in the form of corresponding instructions, to H. M. Representative in Peking, a re-action of feeling, equal in intensity to the old enthusiasm, set in and would fain, in its troubled torrent, have swept away the very recollection of the latter. The British Minister, with his accustomed versatility of character, duplicity of view, and easy consistency, began now to publicly repudiate the Mission, and ungenerously as well as unjustly to cast its sole responsibility upon the shoulders of others. He used his utmost efforts,² before leaving China on a visit to England, in November 1869, to elicit from Shanghai addresses

says: "You may inform Dr. Macgowan, that there is no argument in favour of telegraphy referred to in his letter, which has not been repeatedly and earnestly pressed upon the attention of the Ministers of the Tsung-li Yamén; and no objection to it on the part of the Chinese, that has not been met in the way he would indicate, by my colleagues and myself". Yet, when authorising H. M.'s Consul Mr. Medhurst, to state this to Dr. Macgowan, Sir Rutherford Alcock could not have forgotten that, but a few months previously, he had in an official Memorandum, entitled: "Heads

such as had been presented, in so handsome a manner, by both the English and American communities of that great emporium of commerce, to the Hon. J. Ross-Brown on his return to the United States a few months earlier.¹ But Shanghai, on the arrival of Sir Rutherford Alcock, remained mute. If any voices were heard, they were the voices of murmur and dissatisfaction. The little port of Swatow alone responded to his desire, in the shape of a memorial,² bearing in all three signatures, English and Foreign, and which circumstances prevented the subscribers from presenting in person.³ Hard pressed at Hongkong, he committed the gravest of indiscretions, in laying the blame of his failures on the Home Government, and representing himself in the light of a political martyr. In his speech to a deputation, which had an interview with him on the subject of the new treaty, then recently concluded, the British Minister, holding Instructions from H. M. Board of Trade in his hand, is reported to have said:⁴ "It was only right to notice a circumstance that was too frequently overlooked in the comments made with reference to his conduct, namely, that he could not do more than obtain from the Chinese the best terms compatible with his instructions. *He was not a free agent*, but Her Majesty's Minister...The Deputation would thus see that His Excellency's hands had not been free to do as he might have wished...It would thus be seen that the only censure which His Excellency had

of a Communication made to the (Tsung-li) Yamén on November 9th, 1868", under the 16th head, written these words: "Finally, it will remain for the British Minister to show that, so far from any undue pressure having been resorted to, a whole year has been devoted to the patient consideration of the whole subject (of the revision of the Treaty of Tientsin). So far from any demands for sudden and great changes, before the Government or country could be prepared, having been made: many, which might be desired, *have been altogether ignored*, because they were of this character, such as railroads and telegraphs; although, even in these, very gradually, a beginning might obviously be made, and as an *experiment* which would entail no serious prejudice to any national interests".

¹ Addresses presented by the American and British Communities of Shanghai to the Hon. J. Ross-Browne, U. S. Minister at Peking and His Excellency's Reply; together with a letter addressed by Mr. Browne to Prince Kung regarding Material Progress in China. Shanghai, 1869, 8vo.

² "The North-China Herald" for January 11, 1870, p. 23.

³ *Ibid*, Sir R. Alcock's Reply, dated Canton, December 17; the address being dated Swatow, November 24, 1869.

⁴ *Ibid* for January 18, 1870, p. 41.

received, was for going too far in the direction of advocating commercial concessions ..His Excellency, as Her Majesty's Minister, was bound to take his instructions from Her Majesty's Government, and to negotiate under the conditions which they provided for". True. But Sir Rutherford Alcock omitted to mention the one fact, which above all others, on this occasion, deserved mention, and by which "it was only right" he should have *prefaced* his inveighings against H. M. Board of Trade, namely, that the instructions, given to him by the Board of Trade, naturally and almost necessarily grew out of the fervent support, which *he* had lent to the Burlingame Mission; and that, as he alone was virtually responsible for the diplomatic successes achieved by that Mission (106): so he alone was and is virtually responsible for all the consequences, which thus far have marked, and are likely still further to mark, its fatal influence on the subsequent conduct of China toward the Nations of the West.

§ 12.

THE MISSION AND MR. WADE.

110. The exodus of Peking Interpreters to Europe, which immediately followed upon the official appointment of the Hon. Mr. Burlingame as "envoy of Chinese empire to treaty powers" (6), included also Mr. Thomas Francis Wade, c.b., then Secretary of H. B. M. Legation. He had left the Northern Capital for Shanghai at the end of November 1866, to superintend, on his way homeward, at the Imperial Customs Press of the latter city, the printing of his "Tzū Erh Chi"—a work intended for "the official interpreter whose duties, as an international agent, will continue, until such time as the Chinese become competent to interpret and translate for themselves";¹ and "the primary object of which is to assist the Consular Student in grounding himself with the least possible loss of time in the spoken government language of this country (China), and in the written government language as it is read, either in books, or in official correspondence, or in documents in any sense of a public character".² The work remains unfinished. In the preface, dated Shanghai, December 5, 1867, to the last portion published, the author states: "The first volume of the Key, now printed, contains translations but of the half, and commentary only to the third, of the Chinese text. The publication of the appendices referred to in the commentary has been unavoidably postponed".³ It was the news of the Mission of the Hon. Mr. Burlingame, which, having just reached Mr. Wade, would seem to have occasioned this unavoid-

¹ Mr. Wade overlooks that in diplomatic intercourse, every nation has the right to use its own language, and that the first statesman, who established this rule, was Mr. Canning:—a rule "obviously right and proper, inasmuch as it would be an uncourteous supposition to assume that any foreign-office would not have some person in its employment, who could make a satisfactory translation of an official document in any language whatever".—*Embassies and Foreign Courts*, London, 1855, 8vo., p. 267.

² *Yü-yen Tzū-Erh Chi*, London, 1867, 4to., Preface, p. iii. "In any sense of a public character" is an extremely vague and comprehensive phrase; of the import

able postponement. He embarked almost immediately afterwards for England, without awaiting the arrival of the Mission in Shanghai. This hasty departure, at such a moment, appears difficult to account for. Two explanations only suggest themselves. Either he had, beforehand, been made fully acquainted with the project of the Mission and its aims and objects; was prepared to give to it his support at home; and, with the view of doing so more effectually, wished to avoid the suspicion of any complicity: or else he acted hastily and without judgment. In the former case, Mr. Wade must be assumed to be virtually a participator in the plot, exposed in § 9: in the latter case, he must be considered to have neglected his public duty. For, bearing in mind that, when the Hon. Mr. Burlingame himself left Peking, there had been no time to complete the necessary arrangements, connected with the Mission; that Mr. Brown and the native Members were to proceed to Shanghai by land; and that the Mission would have to make a stay of some time at the latter port, and was first to visit the United States: it clearly was the duty of the Secretary to H. B. M. Legation in China to await the arrival of the Mission in Shanghai; to confer with its Members; and to obtain from them whatever intelligence he might be able to collect respecting an "Embassy", which professedly owed its sudden origin to a postprandial joke of His Imperial Highness Prince Kung, for the better and more correct information of H. M. Government.

111. We possess, from official sources, no knowledge whatever as to the part, which Mr. Wade has taken, during his presence in the Metropolis, and the influence, which he may have exercised on the action of the Home Government, relative to the Burlingame Mission. We feel justified, however, in concluding that, on account of his official position,⁴ his long and intimate acquaintance with

of which Mr. Wade's selections fall very short. They even include not so much as a specimen of Yung-Chêng's Edicts to the Eight Banners—the recognised model of this class of Chinese official style, and of elegance of composition. The work would seem to have remained unknown to him.

³ Key to the Tzu Erh Chi. Documentary Series, vol. i. London, 1867, 4to., Preface, p. iii.

⁴ In 1862 Mr. Wade was appointed Secretary, Chinese Secretary, and Translator, to the Legation in China.—*Hertslet*, The Foreign Office List, London, 1867, 8vo., pp. 169—70.

Chinese politics and the Chinese statesmen of the Tsung-li Yamên, and his great reputation as a sinologue,—however undeserved the latter may be—; that his advice has been freely sought by, and proffered to, the Foreign Office, and that the Hon. Mr. Burlingame's Letter of Credence together with Mr. Brown's translation were submitted to the Secretary to H. B. M. China Legation, pronounced "authentic" and approved by him, before the Mission was officially received and introduced by Lord Stanley to Her Most Gracious Majesty the Queen. If we are not in error upon these premises, the character and tendency of Mr. Wade's advice may fairly be inferred from the action of the Home Government; and his having incurred a grave responsibility would appear to exclude almost a doubt:—an inference, to some extent supported also by Sir Rutherford Alcock's unjust disposition, manifested in these latter days, to devolve the responsibility of the success of the Burlingame Mission on his friend and former Secretary of Legation, with the Christian wish, that he "may reap as he has sown". To this wish, extended to Sir Rutherford himself, the entire European community of China will, we doubt not, say heartily: Amen! Mr. Wade's ultra-Chinese proclivities, extending to "mountains full two hundred *li* high",¹ are so well known, as to require no exposition on our part. He is a countryman of Mr. Hart's, and the intimate friend of the latter, who is said to "wind him round his little finger", figuratively speaking, of course: Mr. Wade and Dr. Williams, together with Mr. Hart and the Hon. Mr. Burlingame constituting that tough "Quadrilateral", which defends, more

¹ We previously alluded to this passage from memory. It will be found in the *Yü-yen Tzû Erh Chi*, London, 1867, 4to., p. 32, and the Key to the *Tzu Erh Chi*, London, 1867, 4to., Exercise i, 13, pp. 4, 5. About three Chinese *li* are equal to an English mile. As in his "Notes" Mr. Wade refers to the very paragraph 13 of the first Exercise, without a word of explanation on this particular subject, he must be supposed to have accepted, on the strength of his Chinese authority, the existence of mountains, some 60 or 70 miles in height, as a geographical fact.

² History of the Tai-ping Rebellion, London 1868, 8vo., pp. 308—9.

³ Mr. Wade was appointed Interpreter to the Garrison of Hongkong in 1843, Interpreter in the Canton dialect to the Supreme Court in 1847. He sold out June 22, 1847.—*Hertlet*, The Foreign Office List, London 1867, 8vo., p. 169.

⁴ Thus *f.i.* in his *Tzû-Erh Chi*, which he also writes *Tzû Erh Chi*, the numbers of the pages progress in the usual way. In the Forty Exercises, pp. 32—71, the text, generally running forward, is broken and runs backward on each single page; in the

effectually than have done the Taku Forts, Chinese arrogance, pride, and exclusiveness, against the inroads of Western civilisation.

112. Mr. Wilson, in his History of the Tai-ping Rebellion, 2 makes the pertinent remark, that "in our connection with China a great deal depends on the character of certain British officials, who are well acquainted with the Celestial language, but do not come prominently before the notice of the British public". "Of these", he then goes on to say, "by far the most important, of late years, has been Mr. Thomas Wade.....His irritable repellent air, as of an ill-used and over-worked man, has not been fitted to inspire the confidence of a calm-tempered people like the Chinese, and he has not been altogether unjustly accused of fondness for working in the dark, in circumstances where the interests of the two countries would have been much better furthered by greater frankness and publicity. In brief, Mr. Wade's principal fault is, that in a position of great power and responsibility he has failed to rise above the subservience and caution, which are the characteristics of subordinate officials in small colonies, such as Hongkong, where his first civil employment,—having come to China as a subaltern in one of H. M. regiments during the opium war,—was in the somewhat humble position of Interpreter to the Supreme Court".³ If it be fair to judge from general indications, Mr. Wade is a man, moreover, of little stability of purpose and of a very vacillating character, who would regret to-morrow what he did to-day, and re-do on Tuesday what he undid on Monday; a man as unsystematic⁴ as vacillating; as confused⁵ as unsystematic; and withal liable to fall from one

Ten Dialogues, pp. 74—109, it runs backward in unbroken succession from p. 109 to p. 74; in the Eighteen Sections, pp. 112—129, the text runs forward by pages, while that of each single page runs backward; and in the Hundred Lessons, pp. 132—214, the text, again in unbroken succession, runs backward from p. 214 to p. 132. The title-page of vol. i, reads:—"Yü-yen Tzû-Erh Chi"; of vol. ii: "Key to the Tzû Erh Chi"; of vol. iii: "Han Tzû Hsi Hsieh Fa"; of vol. iv: "Wên-Chien Tzû Erh Chi"; of vol. v: "Key to the Tzû Erh Chi"; while the volumes are labelled quite consistently.

⁵ A better illustration of confusedness we could hardly give than the following "directions regarding the position of the hand and pencil" in writing Chinese, transcribed by Mr. Wade, it must be assumed for the sake of what he considers their lucid and graphic character, from Dr. Bridgman's Canton Chrestomathy:—"Let the thumb be placed with the back towards the body, facing outwards; let the fore and middle fingers, with the back turned outwards, be brought near it, facing the body; thus, holding fast the pencil let the fourth and little fingers, placed close together,

extreme into another: in short, the last man fit to command the respect of Chinese statesmen,¹ and to represent the political and commercial interests of England at the Tatar Court, either with credit to himself, or with advantage to his country.

113. Considering, however, that Mr. Wade, as we have already observed, enjoys a high reputation as a sinologue, and that a corresponding weight might, consequently, be attached by the Home Government to his assumed approval, past or future, of Mr. Brown's translation of the Hon. Mr. Burlingame's Letter of Credence, unless it be shown that in reality his Chinese scholarship, of a very inferior order, possesses no claim to any authority whatever: the ungrateful task devolves on us here to substantiate this judgment from his own published writings. In order to avoid so much as the semblance of unfairness, we shall confine our references to his latest publications, written or re-written by the author since 1865,² and comprehended, in five quartos, under the somewhat loose and inappropriate title of "*Tzu Erh Chi*" (111): the result, to use his own words, of "a campaign, extending over about a quarter of a century". Even a cursory glance at this voluminous production, leaves an impression on the mind, by no means favorable. A tone akin to vulgarity is found to pervade the entire work; and, on a further perusal, numerous sentences obtrude themselves as in striking contrast with the author's remark that "it is in no spirit of academical purism" he offers a certain observation,—sentences like: "The sun is set"; "a bird lit on the very top of the tree"; "which of their family is it that is dead?"; "don't spoil that in that way"; "it wasn't I"; "haven't you done so or so?"; "its a pity that one can't see one's way to beginning the spoken language"; "lift up the curtain and go in with you"; "whose was that book that he has lost? it was that book of mine"; "to pin down, fasten on, some man one wants to oblige one"; and similar constructions, equally offending good taste and grammar. But, though the Consular Student is not likely to improve in the knowledge of his own language from a study of

be brought part way in inside the pencil, pointing towards you, with the fist half open and hollow within, and with the fingers close together".—*Wade*, 'Han Tzu Hsi Hsieh Fa, London, 1867, 4to., p. 3.

¹ Compare the Hon. Mr. Burlingame's Conversation at the Tsung-li Yamén,

Mr. Wade's books, he will learn from them many strange things, any amount of slang, and to perfection the art of expressing himself, in Chinese, in the most circumlocutory way possible. Thus he will learn, that "silver is but dirt", and "the present sovereign is called *Old Buddha* by the lower orders"; that "iced water makes one shudder", and "*man-t'ou*, bread, is [a preparation of flour] with nothing inside it"; that certain people are "bad articles", and "there is no telling the male from the female"; that "stitching and patching are a matter of [moral?] duty", and "the only way, if you don't want people to know that you *are doing* a thing, is not to do it"; that "no language in the world is absolutely without something in common with its fellow languages of course"; and "if a man is not to be killed, it must be because it is his destiny to be saved". To further assist the Consular Student's education at Peking, H. B. M. Secretary of Legation teaches him the most approved Chinese equivalents, in the colloquial language of "the chief officers of the Imperial Government", for: "the foulest abuse"; "if you dare to argue, I'll beat you"; "beat him to the consistency of a man's brain"; "heaven and earth collapsing"; "wagging the head"; "skipping and jumping"; "tittering and roaring with laughter"; "gonging and drumming; drivelling, haggling; dawdling, swaggering, bullying"; "vomiting and purging"; "bother, babble, tittle-tattle, fiddle-faddle"; "shipshape, slip-shod"; "dead-drunk"; "better off than the gods"; "grimy and scorched, very dirty, indeed"; "rouged and smeared with white"; "awful frightening, tremendous crash"; "loutish"; "bellies full of wrong"; "rascally servants"; "a scoundrel like that"; "men who are but beasts within"; "that bore What's-his-name"; "the wretch!"; "a false-hearted villain": "a slippery article" (said of a person); "a dressy man"; "to be unable to swallow (from repletion)"; "to scratch what is itching"; "to chew betel-nuts"; "to belch after eating too much"; "to cough up water as one is swallowing"; "to drink as much wine as one can carry"; "to squat on the hams";

above; and the opinion, expressed of Mr. Wade by several members of that Commission. The Hon. Mr. Burlingame admits his "impatient and imperious manner", and his irritability of temper.

2 Tzu Erh Chi, vol. i, Preface, p. xiv.

"to set on the dog to worry the pig"; "to burst open the door with an iron poker, *obs.* poker, *lit.* penetrating rod"; "to skin and flay with a knife"; and similar expressions, applicable to Peking customs and habits, and the tone of conversation, patronised and encouraged by the author of "Tzū Erh Chi".

114. The Chinese tongue being the most difficult of all living languages, and fundamentally differing from them, as it does, in its very nature as a system, whether graphic or oral: the first instruction, conveyed in it, should be above all things simple, clear, and accurate. We doubt whether any essay, corresponding to Mr. Wade's "Progressive Course", more pedantic and perplexing, more confused and crowded with errors and erroneous views, has ever been offered to the public. When, for instance, the student reads: "治亂, Order and disorder, or to restore order", without a word of explanation; or: "城外頭沒甚麼住家兒的就叫野地, The country outside the city-walls, where there are no habitations, is called *yeh ti*. *Obs.* where; *lit.* outside the walls a-not-having-any-houses-to-live-in's [place, men] *chüu*, consequently call a *yeh ti*": what could be more bewildering for a beginner, and what is he to understand by "*yeh ti*"? Many of the author's explanatory notes are perfectly puerile or truly absurd. Thus we read: "我餓了, I am hungry. Note: 餓 *ngo*⁴, *Obs.* hungry, *ngo*⁴"; "他天生得又聾又啞, He was born deaf and dumb. Note: 聾 *lung*², 啞 *ya*³, *Obs.* deaf, *lung*², dumb, *ya*³": the literal rendering of the latter sentence being: "he was by destiny born both deaf and dumb". As another instance of childish annotation, we may give: 你種著多少畝, How many acres do you farm? Note: 種 *chung*⁴, 畝 *mu*³ or *mou*³. *Obs.* 1, farm, *chung*⁴, to plant; *Obs.* 2, acres, *mu*³;" and pass on to the ludicrous order, two or three illustrations of which will satisfy the reader. We find: "丸散膏丹都是藥, Pills, powders, plasters, and pills are all medical articles. Note: 丸 *wan*², 膏 *káo*¹, 丹 *tan*¹. *Obs.* pills; *wan*²; powders; *san*³, purgatives; not to be confounded with the same character, read *san*⁴, to disperse; *káo*¹ properly lard, unguent; pills, *tan*¹; in what differing from *wan*², does not appear. The *tan* are said by some to be mythic,

q. d., fairy medicines; *tan-wan* is used as generic of pills". 變了卦了, He has gone round. Note: *Obs.* round; *pien*⁴, to change, transform; *kua*⁴, certain symbolic groups of lines, of classical origin, but here spoken of with reference to divination; *q. d.*, the good *kua* originally selected has been changed: *fig.* for some one's change of purpose after passing his word". 卦, "to change", the meaning of which is not doubtful, is here simply used to fix that of 變; and the sense of the Chinese phrase is: "he has veered round, i. e. he has changed his views or opinions". Of a "vulgar" little boy, Mr. Wade writes: "生了氣把茶碗摔碎了, in a rage he smashed a tea-cup. Note: *Obs.* rage; *ch'i*, air, breath, in Chinese physiology often untranslatable; best taken as matter, here *nu-ch'i*, wrath-matter; the vulgar-boy begot or generated wrath-matter". The literal English of the sentence is: "his temper getting up, he took a tea-cup and smashed it". Exceedingly numerous are the instances of faulty or erroneous translation or annotation, in which the author has altogether misunderstood the Chinese text, as given by himself. Even upon the familiar term "知道. To know", his comment is: "*Obs.* to know; *chih-tao*, to know to say, as in French, Italian, etc. (!). The word *tao* is much used as the verb to speak in novels, and in certain special phrases of congratulation, condolence, and apology; it is so employed in ordinary parlance". What can the term 道, in the exceptional sense "to speak", have possibly in common with 知 "to know"? It is used to fix, orally, the polysignificative sound "chih" as "to know", by associating it with the sound 道, to which, in its intellectual sense, as here, the meaning of "reason, knowledge" is generally known to belong. 訓甜的, Very sweet. Note: 訓 *hsün*⁴, 甜 (should be 甜) "*t'ien*². *Obs.* the first word *hsün*⁴, properly instructions; here corruptly used as intensive of *t'ien*², sweet". Who but "a philologist pure and simple"¹ would think of deriving the particle "very" from the noun "instructions"? The true

¹ Mr. Wade's *Tzū Erh Chi*, vol. i, Preface, p. iii. We presume his "pure and simple" is meant to be a translation of the French "pur et simple". Or did he intend it for a pun? "I am only a simple fellow": we read in his *Eighteen Sections* "*Obs.* 1, simple, *pun*,⁴ also and more commonly stupid".

equivalent of the sentence is: "deliciously sweet", with an allusion to a sweet fluency, 川, a delightful flow, of 言, words, corresponding to the relative element 舌, the tongue, in 甜. "水性楊花的, Capricious. Note: 楊, yang². Obs. capricious; lit. of the nature of water, like the blossom of the yang², a kind of willow; q. d. like gossamer". The real idea of the Chinese simile is: unstable as water; or rather: light as froth, willow-blossom like.

"碧綠的耳圈兒, Ear-rings of greenish blue. Note: 碧 pi⁴, 圈 chüan¹. Obs. 1, greenish; pi⁴, a certain stone; both green and blue are found. Obs. 2, ear-rings; chüan¹, a circle or ring". The correct rendering is: "Ear-rings of green-stone" (the green pi-stone).

"那姑娘, Your father's daughters. Note: Obs. daughters; Ku-niang, a spinster". The literal English of the phrase is: "The young ladies (of the house in question)".

"他是逍遙快樂的, He is a hearty, happy fellow. Note: 逍 hsiao¹, 遙 yao². Obs. 1, hearty; hsiao¹ not used without yao², which properly means far distant; the combination of the two characters signifying unconstrained as a bird. Obs. 2, happy; 'huai-lo applies rather to the mind, hsiao-yao to the body". The true version of the sentence is: "He is of a roving and gay disposition".

"千萬別受賄賂, On no account take presents. Note: 賄 hui⁴, 賂 lu⁴. Obs. presents, 'hui-lu; both words signifying bribes"; the first sometimes used without the second". The proper rendering is: "On no account accept bribes". Why, too, should people accept no presents?

"請先生拿字典找字, Teacher, please, look out a word in the dictionary. Note: 拿 na, to lay hold of. Obs. look out; lit. [I] pray [you], teacher, holding the dictionary, look out words. The verb na, when used as here, is one of those by which the Chinese form what we should call the instrumental case. This is a very common use of na, but it will be found also as the index of the object. (1) Followed by lai, to come, it means 'to bring'; by ch'ü; to go, it means 'to take away'. The object brought or taken away may precede the whole combination na-lai or na-ch'ü; if it do not, it will be between the verb na and the verb ch'ü or lai, but not after either". It would be difficult, we imagine, to betray in fewer words greater ignorance of Chinese

grammar and syntax, than Mr. Wade has done here. In another place he adds: "*na-lai*, to bring; but you cannot say *na-lai shui* for Bring water, though you *may* say *shui na-lai* for I have brought the water". Now, it is obvious that, if *na* (followed by *lai*) of itself assumes the meaning "to bring", while *lai* retains its meaning proper "to come", the combination *na-lai* cannot also mean simply "to bring"; and if *na-lai* combinedly bears this sense, that *na* by itself cannot here do so; but if *na-lai* after all does mean "to bring", that the construction *na-lai shui* must be possible, since it would be in perfect accordance with the general laws of Chinese syntax. That "you cannot say *na-lai shui* for Bring water", should alone have sufficed to convince Mr. Wade of the error of his views on this simple point of interpretation. The proper rendering of the phrase in question is: "Pray, teacher, take the dictionary to find some characters (for me)". In 找 the determinative element is the hand, and it is therefore more correct to translate it "to find (with the hand)", than "to look out (with the eye)". The verb 拿, *na*, retains always its meaning proper "to take, to lay hold of (with the hand)", and its combination with the verb 來, "to come", belonging to quite a different order of ideas, is simply a *grammatical impossibility*, the mere conception of which proves Mr. Wade to be devoid of all grammatical sense. The to us awkward Chinese mode of expressing the idea "Bring me some water!" is: "Take some water (and) come (here)!" or: "Take the things (and) go!" for 拿. "Take the things away!" If you *may* say, after having been asked to bring (some specified) water, "*shui na-lai*" (should be *shui na lai*) "I have brought the water", the reason is that the proper mode of saying it would be: 那水拿了來了. One or two phrases, in the Notes to which Mr. Wade displays his historical and classical lore, may conclude this paragraph. "趺著腿兒坐著, To squat on the hams. Note: 趺 *p'an*². Obs. to squat; *p'an*² to sit cross-legged; a Manchu practice acquired when the Manchus were dwellers in tents". The sentence reads: "To sit cross-legged; to sit resting on the thighs",—two different postures, indulged in by the Chinese many centuries before the Manchus were heard of in history. "鼓舞, To encourage zeal. Note: Obs. to encourage;

the combination is of classical origin; *ku* and *wu* were originally both parts of a sacrificial bell; latterly *ku*, a drum, or to drum; *wu* to dance, or make postures, to music; hence to set people dancing, to stimulate to action". The Chinese drum is almost as old as Chinese antiquity, although a different form of the instrument may, at a later period, have been introduced into the country from Central Asia, as Nan Chö, a writer of the ninth century of our era, has stated without proof. But of a truly wonderful construction "a sacrificial bell" must have been, two special parts of which naturally "encouraged zeal", and of which "drumming and making postures" constituted those solid parts. The meaning of 鼓舞 is simply: "to excite; to incite, to encourage", whether zeal or indolence, whether good habits or bad ones.

115. It is almost needless to remark, that a philologist, whose elementary "Progressive Course" is crowded with errors such as those, which we have here adduced from it by way of illustration, and who manifestly in his long protracted endeavours to acquire a knowledge of Chinese, has half-forgotten the proper use of his own mother-tongue, cannot have entered into the true character, much less into the genius of the language, which he professes to teach. A closer examination of Mr. Wade's "Tzū Erh Chi" furnishes abundant proof of this. "The written form or character", he states, "consists of two parts, the Radical, which vaguely indicates the sense of the word, the Phonetic, which vaguely indicates its sound". And again: "As to Derivation, the pedigree of all single words have, with rare exceptions, each one its representative in the written language, and these representative forms, called with some confusion (!) Chinese characters, are invariably made up of two elements known to foreign sinologues as the Radical and the Phonetic. The Radical indicates the category of *sense*, the Phonetic the category of *sound*, to which any word belongs. Neither Radical, nor Phonetic, it is true, is in all cases such an index of sense or sound as to ensure prompt recognition of either; for, although there has never been in Chinese that fusion of parts that has so obliterated the primitive features of other languages, the monosyllabic sound has been in many instances modified in course of time, and both

Radicals and Phonetics, but especially the latter, there is reason [to] believe, have on occasion been completely exchanged". The whole of this view rests on a fundamentally erroneous basis. The Chinese language, possessing a history of four thousand years, retains at the very present the characteristics of a primitive tongue. All languages, without exception, were primitively oral; things, their motions, and their condition, for the purposes of human inter-communication, being represented by *sounds* alone, which were gradually so combined as to form a system, or an intelligible method of speech. What we term the vowel sounds constitute the only fundamental sounds of human speech. The number of these sounds, being extremely restricted and altogether insufficient for colloquial purposes, was multiplied by means of certain modifications, which they were made to undergo by in-and out-sounding breathings, later named *consonants* or accompanying sounds. Thus the sound *a*, being multiplied, assumed, in addition to its proper sound, the modified sounds *ba*, *ab*, *ma*, *am*; *sa*, *as*; etc. The latter are called syllables. It is obvious, that two or more of such syllables may be again combined,—with a sufficient number of consonants almost endlessly,—so as to represent by syllabic combinations, termed *words*, each differing in sound, any number of objects, actions, conditions, etc., in any relation to each other, and expressive of almost any idea whatever. Thus were formed the words "num-ber", "par-tes" (subsequently contracted into "parts"), "de-ri-va-ti-on", etc. Most peoples adopted this system, and, gradually increasing the number of words in each language with the increasing civilisation of each people, thus created for themselves polysyllabic languages, consisting of a great number of distinct combinations of a given number of monosyllabic sounds, each combination or word representing a distinct idea. The Chinese, on the contrary, ever antagonistic to, or slow of, development, have failed to develop the principle of syllabic combination. Although their language does possess a certain number of duosyllabic sounds, it always has been, and to this day continues to be, essentially a monosyllabic language; and, the number of its consonants being restricted, the number of its words is necessarily restricted in a corresponding proportion.

In fact, in the Peking dialect,—which virtually represents the character of the Chinese language at large—, the number of oral words does not exceed four hundred and twenty ; whilst its entire number of sounds, derived from those words by a system of intonation, peculiar to the Chinese, is little upwards of twelve hundred. Hence, in Chinese, not only each oral word, properly speaking, but each intonation of such a word, represents a greater or lesser number of distinct significations, and varies in meaning *according to the series of objects or order of ideas to which it is applied*. The spoken language, therefore, is characterised by a degree of ambiguity and vagueness, which, of all living languages, renders it at once the most difficult and the most unsatisfactory one for mental intercourse. To a great extent the difficulty disappears, when once the subject of conversation has been clearly apprehended ; but even then various artifices have to be resorted to, so as to ensure a correct understanding. This is effected by amplification ; by associating with the dubious sound a second, more familiar and synonymous sound ; by referring the former to its proper order of ideas, as represented by some household word ; by tracing with the finger its graphic form ; and by similar means : all expressive of the grave defects, to which we have alluded.

116. Thus far we have spoken only of the oral language of the Chinese, which, we need not say, must have existed as a more or less perfected system of mental intercommunication, long before its reduction to the figurative or graphic form was thought of, or the necessity of such a reduction made itself felt. So with all other tongues. Throughout the world, the oral language is the mother of the written language. The latter is but the embodiment of the former. With those peoples, who had adopted, and more or less developed, the principle of polysyllabic sounds, the most convenient method of representing those sounds to the eye readily suggested itself from the very system in common underlaying their languages. All they had to do, was to choose for the restricted number of the fundamental and consonant sounds, or oral elements in each tongue, corresponding graphic elements : and the problem was solved. The graphic elements, termed *letters*, admitting of an almost endless

variety of combinations similar to those of the lingual elements: they produced by such combinations for each distinct sound in the oral language a distinct form in the written language, corresponding to the former; and a knowledge of the sounds, represented by their graphic forms, in the latter, *i.e.* the power of *reading* the written language, thus became a matter of comparatively easy acquirement. Of the more complicated graphic systems, invented *f.i.* by the priesthood of Egypt and Babylonia, for the purpose of keeping a knowledge of the written tongues from the people, all we can say in this place is that, notwithstanding their apparent intricacy, they rest on the same principle and represent polysyllabic or, as they are more commonly termed, purely alphabetical languages. Not so the written language of the Chinese. The monosyllabic characters of their oral tongue, with its very restricted number of sounds, necessarily and *of itself* excluded the adoption of a graphic system, applicable to polysyllabic languages alone. They had no alternative but that of pictorial or figurative representations to render their peculiar tongue tangible to the eye. Hence *the graphic language of the Chinese is a purely pictorial one*; and their written "characters" are not words but symbols, whether single or compound. Mr. Wade is upon the latter point also of a different opinion. "The student will observe", he writes, "that *tsü* 字, which we generally translate *character*, is by me translated *word*, the *pi 'hua* or pen-strokes, which compose the *tsü*, written forms of words, being fairly rendered *characters*, as that term is applied to the alphabetic elements of writing in other languages". And again he states: "Now to come to the difficulty with single words; it is one peculiar to the Chinese written language. For the formation of words in writing, every other nation, that possesses a literature, has a given number of characters (*lit.* pen-strokes), each with a sound of its own; and thus the combination of a certain number of these not only produces a word in form, but also serves the purpose of establishing its sound. Chinese words, it is true, are written with eight particular strokes, but though each of these has a sound of its own, the sound of any word they may go to form has no reference whatever to the sound of the strokes". In another place

the author of *Tzai Erh Chi* remarks: "Under the 1st tone I consider the voice to fall in the second syllable in 山西, *Shan¹ Hsi¹* (one of the provinces of China proper), but to be lower on *hsi* than on *shan* in 西山, *Hsi¹ Shan¹*, the Western Hills; to rise on the second syllable in 當差, *tang¹ ch'ai¹*, to be employed officially, and to fall on the second in 珍珠, *chên¹ chu¹*, pearls...But the native teachers will not admit, in either case, that the tone is modified...In the matter of just accentuation, therefore, the memory will be greatly relieved",—assisted?—"if the language *be treated*, whenever construction will admit of it, *as polysyllabic*." Mr. Wade's method of philological "treatment", as we have had a previous occasion to observe, is a very unsound one; the imagined rising and falling of *the same* intonation of voice,—a contradiction in terms,—betrays the remarkable power of his subjective fancy; and the conclusion, to which it leads him, appears to us anything but rational. It is not, however, to these points that we would call attention; but to the utter confusion, and the palpable error, of Mr. Wade's ideas regarding the Chinese 字, pictorial forms of sounds, symbols, or "characters", as they are more commonly termed. In the first place, he insists on these "characters" being written "words", in the common acceptation of the term; and thereupon maintains that such *words* are — *syllables*, also in the sense, proper to the latter expression in our own language; nay, that the memory will be relieved, and greatly so, by our viewing the written pictorial monosyllabic language of the Chinese as a written polyword-syllabic language. In the second place, Mr. Wade, as he turns the Chinese *characters* into *words*, turns the Chinese *pen-strokes* into *characters* = letters; so that the distinct notions of "character", "word", "syllable", "letter", and "pen-stroke" are seen to constitute, in his mind, but one vague, undefined idea. Take our capital letter K. It is composed of a perpendicular stroke, similar to the Chinese pen-stroke |, *kih*; of four short horizontal strokes, similar to the Chinese pen-stroke — *tien*; of a diagonal stroke from right to left, similar to the Chinese pen-stroke /, *fu*; and of another diagonal stroke from left to right, similar to the Chinese pen-stroke \, *na*. Besides these, the Chinese count four more

such strokes ; we have others, only that we distinguish them by no individual names. Would any man in his senses, now, maintain that these pen-strokes are really characters or letters ; that characters or letters are, therefore, really words ; that words are, consequently, syllables ; and that, hence, the Chinese written monosyllabic language, thus made to possess word-syllables, is a written polysyllabic language ; and its purely pictorial symbols are written syllabic words ? That is what Mr. Wade does maintain. Crotchets of this kind deserve no further comment.

117. The principles, followed by the Chinese in devising a graphic system to intelligibly represent the sounds of their oral language to the eye, are obvious from the ancient forms of their characters, and the peculiarities of the language itself. One of its sounds, necessarily comprehends one or more entire orders of distinct ideas, for which the polysyllabic languages possess as many distinct sounds and corresponding words. The number of the latter had to be pictorially delineated, in conformity with the peculiarities of the oral tongue. Such was the problem, as it presented itself. Hence, appropriate symbols, simple or compound, and more or less in number, were selected to embody the general sound expressing a given order of distinct ideas ; and, for the purpose of fixing or determining in its special application the corresponding special meaning, a second symbolic element was chosen, and, as a determinative, prefixed to, or otherwise associated with, the fundamental element of the symbol. This additional symbolic element determines the meaning of the fundamental element of the symbol either directly, or, as is more frequently the case, by referring the general idea, conveyed through the fundamental element, of the symbol, to a special order of ideas ; or else by qualifying the general idea conveyed, by impressing upon it a special character. Thus the Chinese sound *ming* expresses the general ideas of *lustre*, and the *voice*. Colloquially, the special idea to be connected with the general sound, is, independently of intonation, determined by the subject of conversation. In writing it is different. The special meaning has to be graphically represented. Applied to the heavenly bodies, *ming* takes the form

of 明, being the pictorial outlines of the Sun and the Moon, anciently written ☉; and this symbol becomes the graphic expression for *lustre* in the abstract: as a noun = radiancy, brilliancy, splendour; as an adjective = bright, clear, distinct, perspicuous, illustrious; as a verb = to illustrate, to explain. Applied to the *lustre* of a man, as individually distinguishing him from his fellow-men, or those lustrous, perspicuous qualities or acts, by the *epithet* of which he is known, *i.e.* his fame, or what, given under very different conditions and in accordance with legal rules, is with us simply his name, *ming* assumes the form of 名, the upper character representing the ancient symbol for the first visible phase of the Moon (whence, as it always appears towards evening, 夕, *hsie*, the evening); the lower character the month, in the double signification of *an individual* and *to speak*, or *spoken*: the literal meaning of the pictorial group 名, a name, being “a person’s *spoken lustre*”,—moral lustre of a less brilliant nature than 明. Our idea of a name, the Chinese, who now have it also, distinguish by the term 乳名, the milk-name. The etymological explanation of 名, offered by the 說文 (40), and repeated by Dr. Morrison: “from *evening* and *month*, because in the dusk, in order to be known, it is necessary to call out one’s name,” is puerile. At present the sound *ming* is further applied by the Chinese to every kind of *shining* crockery and earthenware; but in ancient times it was restricted to a sacrificial vessel for blood, pictorially 皿,—𩚑, bleeding, the blood,—so called both on account of its *lustrous* surface, and its being the most *perspicuous* or, if we may thus use the term, *illustrious* vessel, used at a sacrifice and for other solemn purposes. Thus for the purpose of *ming*, an *oath*, or a *clear, distinct* declaration in the sight of heaven; consequently pictured 盟, because the declarant had to shed and drink a small quantity of his own blood, as, on the admission of a person into some of the secret societies of the Chinese, is still the usage. Here 𩚑 is the determinative, which fixes the special meaning of *ming* as an *oath*, both symbols being purely pictorial representations of objects, associated by the Chinese with the idea in question. So again, the general phenomenon of *lustre*, as manifested in the

budding forth and flowering of plants, is referred to this special order of ideas, by adding to 明 the determinative of plants 艸 or 艹, and giving to the sound *ming* the graphic form 萌, plants in their lustre; to bud forth; to be in flower. Another meaning of *ming* is "to see *distinctly*", "a bright, lustrous eye". In this special sense, therefore, the general sense of *ming* is graphically determined by prefixing to 月 = 𠄎,—a modification of 明 to express a subdued degree of lustre, whether morally, as in 名, or physically as here,—the character 目 "the eye", another purely pictorial symbol, as will be presently seen. Now it is from this use of 明 or 月, in its general sense of *lustre*, but combined with other determinative symbols, expressing various ideas for all of which the Chinese oral language possesses only the one sound *ming*, that the erroneous notion of 明 or 月 constituting the *phonetic* element of those combinations, and of Chinese *phonetics* generally, has sprung. We have seen that both 日 and 月 are purely *pictorial* representations. They are, whether conjointly or singly, *exclusively* applied to one restricted order of *similar* ideas out of a number of such orders, every single idea in which is distinguished by the sound *ming*. Were 明 or 月 really *phonetics*, why should they not be *generally* used as such? The fact that they are not so used is of itself a disproof of the *phonetic* hypothesis; besides which, 月, although like 明 representing the idea of *lustre*, is pronounced, not *ming*, but *yüe*. Let us further take *f.i.* the character 門, *mên*, a door, with some of its determinatives. With *s'in*, the heart, 悶, grief, sorrow, it is pronounced *mên*; with *pi*, constraint, 闕, secret, mystery, it is pronounced *pi*; with *chung*, an insect, 閼, a species of reptile, it is pronounced *min*; with *yin*, a sound, 閤, to shut the door, it is pronounced *ngan*; with *ürh*, the ear, 聞, to listen, it is pronounced *wang*; with *yi*, one, 門, to fasten the door, it is pronounced *shan*; with *shih*, 市, a crowd, a market-place, 鬧, noise and bustle, it is pronounced *náo*; with *ma*, a horse, 闕, to pass quickly through a door, it is pronounced *tjin*, and so on. It would be difficult, we think, to illustrate in a more conclusive manner the absence of every *phonetic* element,

properly so called, in the Chinese written language; and at the same time to demonstrate the fact that the various ideas, represented by the various sounds just adduced, form an *order* of ideas associated with the *general* idea of door or gateway, which, consequently, was chosen as the *general symbol*, to depict them, the special meaning of the latter in each special case being fixed by the determinative symbol, superadded to it. How strictly the rule of keeping those orders of ideas graphically distinct is exemplified by the character 茗, *ming*, applied only to the budding or flowering of the *tea-plant*, as the plant having an illustrious *name*,—the one plant, in short, as it might be expressed, *of family*. To the same order of ideas, and therefore pictured by 名, belong 詔, *ming*, to give an epithet, a name, to anyone; to discuss the subject of “names” and families; and 銘, *ming*, to engrave and record illustrious names upon metal or other tablets; 言 *yen*, speech, and 金 *jin*, metal, respectively, being here the determinative symbols. It is one of the most puzzling peculiarities of the Chinese oral language, that the same sounds, with different intonations, are frequently used to express two diametrically opposite ideas. Thus, *ming*, lustre, also signifies: covered, veiled, obscure, dull; and is pictorially represented by the character 冥. The element, 六 *lu*, in this symbol, stands for 六合, the Chinese six cardinal points of the compass,=in every direction, on all sides; 𠂔, *mi*, to cover up. The character 冥, *ming*, therefore, represents: the Sun covered up on all sides, or *lustre* completely veiled. Dr. Morrison’s etymological explanation of it is: “Derived from *day sixteen* and *to cover*, because on the sixteenth the *moon* begins to be obscured; ten to be added to the six is implied in the character *day*”. Such is the actual state of Chinese etymology, to which also Mr. Wade continues to adhere. 冥, in its abstract or general sense, determined by *woman*, becomes 嫿, *ming*, a bright woman closely veiled, according to Chinese ideas, a bright, pure, innocent woman; as determined by *the eye*, it becomes 瞢, *ming*, dull of sight, to close the eyes. As referred by the determinative 氵 to the special order of ideas expressed by *water*, it assumes the form 溟, and the meaning: dull, drizzling rain, misty vapours; and so forth.

118. That, in the Chinese mind, the ideas of *lustre* and *the voice* are intimately connected, is proved by the character 昌, representing two suns and the sound *chang*, likewise signifying brilliancy, splendour, lustre generally, more especially the splendour of the rising Sun, increasing splendour; and, when determined by *the mouth* or *speech* as 唱 and 詠, both symbols being pronounced *chang*, by their assuming the meaning of "brilliancy of the human voice, to recite, to sing"; of "a singer", with the determinatives of *man* or *woman* as 倡 and 娼, pictorially representing the same sound *chang*. So also the sound *ming* of the oral language expresses "the voice"; but not the human voice. It is therefore graphically delineated by a *mouth* and a *bird*, 鳴, *ming*, the voice of a bird, to sing like a bird; and this symbol, admitting of no misinterpretation, is used to express the (singing) voice of animals generally; whence f. i. the lowing of a cow is pictured 牛鳴, *niú ming*, literally "the cow's bird-voice", or "the cow's singing (like a bird)". A last order of ideas, conveyed by the sound *ming* in the oral language of the Chinese, relates to "the voice of Heaven"; and it is probable that, like *kol Jehovah*, "the voice of Jehovah", the expression was primitively associated with the idea of the *lustre* or brilliancy of lightning, as that of *kol Jehovah* was with thunder. In the extant literature of China, however, we find *ming*, in the sense of "Heaven's voice" pictorially represented by a remarkable combination of characters, namely 命, a *man*, one or only, a token of authority = authority, and the *mouth*, i. e. literally "the voice of men's (mankind's) only authority"; whence: fate; destiny; lot; duration of individual man's life-time; life; decree; Imperial command; Imperial dominion; Empire. Dr. Morrison holds the character 命 to be composed of *the mouth* and *to order*, 令, *ling*, and the latter symbol of "*tsèh*, to assemble, and *tsèè*, a seal or ensign of authority". But this explains nothing, and the ancient forms for 人 and — are decisive; whilst the analysis of the group, suggested by us, yields a sense, applicable in every respect and in the most satisfactory manner. The construction of the symbol is similar to that of 倉, *ts'ang*, a granary, one of those numerous and vast government stores of grain, which, though at present more or

less in a ruined or neglected condition, cover the whole of China. Dr. Morrison offers the strange derivation: "from 食, *shih*, to eat, abbreviated, and 口 '*hui*, an enclosure". Does 食 contain an allusion to "the forbidden fruit"? Its literal meaning is: "man's one transgression or fault"; as that of 倉, a store of grain, is: "men's only, or true, master". In a similar sense, Prince Kung, in his frequently cited Essays, somewhere states: "food is the life of the people". We have now, with the exception of two or three characters, which explain themselves, explained every symbol in Dr. Morrison's Chinese Dictionary, comprehended under the sound of *ming*,—a division, chosen for the twofold reason, that it includes a convenient number of characters, and is one of the most difficult divisions, if not the most difficult one, etymologically speaking, in the language. The result of this digression will, we venture to think, have convinced the philological reader of the unquestionable fact, that the written tongue of the Chinese is—with perhaps some few isolated exceptions of more recent introduction—a purely pictorial one, and, consequently, of the positive error of Mr. Wade's belief in "Phonetics" and "Radicals", according to him, constituting the two elements, of which each Chinese "word" is asserted to be made up. To ascribe to a monosyllabic language, in the grammar of which, as he himself observes, "Inflection cannot be allowed to have a place at all", *Radicals*, i. e. inflected words reduced to their primitive forms, is a contradiction in terms and, therefore, in truth an absurdity *pur et simple*. To ascribe to it *Phonetics* is almost equally irrational. What are held to be *Phonetics* are the fundamental or general elements; what are supposed to be the *Radicals*, are the determinative or special elements, of the pictorial group, which forms the entire symbol or "character" of the graphic language, representative of the corresponding sound in the oral tongue. With views, so radically mistaken as are those, entertained by Mr. Wade of the very constitution of the Chinese language: is it to be wondered at, that all his ideas respecting it appear to be in a state of perfect bewilderment? "The Chinese", he states, "have a rude expedient which it is an abuse of terms to call spelling"—no one, so far as

we are aware, ever did call it so—, “by which a native who is more or less lettered can *divine* the sound of a new written word”,—we presume, Mr. Wade meant to say: a character new to the native *lettré*—, “once he has found it. The written word *p'ao* for instance”,—Mr. Wade’s mind would seem unconsciously to wander here from one subject to another one, with which the former has no real connection—, “tells him the initial sound of a certain word; the written word *t'ien* below *p'ao* supplies the final; and amalgamation of *p'ao* and *t'ien*, gives him *p'ien*”. The only way for native or foreigner to divide the sound of a written Chinese character, new to him, is by means of a knowledge of the sounds of the written fundamental elements of symbols. Thus assuming him to be acquainted with the sound of 明 and 名, and the characters 盟 and 銘 to be new to him. He might then divine the sound of the latter symbols, like that of its fundamental elements, to be *ming*. Often, as here, he would rightly divine; often, as *f.i.* in the cases of 聞 and 闢, wrongly. In most of the Chinese Dictionaries the pronunciation of each character is given by the initial and final sound of two other well-known symbols. Thus, *f.i.* K'ang-hsi’s Dictionary twice indicates the sound for 馬, a horse, by giving the direction: 莫下切 and 母下切, literally: “cut *m-ò* and *hsi-á*”; and “cut *m-u* and *hsi-á*”; in other words: combine the initial *m* and the final *a*, and you have for 馬 the sound *ma*. This is, considering the monosyllabic character of the Chinese tongue, no rude process either of spelling, or of divining, or of amalgamation, as Mr. Wade very erroneously states; but a sure and easy method to determine the pronunciation of any written symbol of the language.

119. The author of “Tzū Erh Chi”, however, devotes a considerable portion of his Preface to the discussion of etymology, for which, he observes, “experience of the danger to which a vicious process of etymological investigation exposes the translator, must be his excuse”; and since he actually threatens to “legislate”, himself, “for the etymology of the Chinese tongue:” we may be permitted an endeavour to save the Chinese studies from such a calamity, by adducing one or two more illustrations of Mr. Wade’s peculiar incapacity for the contemplated task. He translates

天天兒眼巴巴兒的盼着；“When you are watching me day after day with all your eyes”—a translation, which, in this instance, *happens*, as a free rendering, to be unobjectionable. But, in a note, he adds: “巴巴兒, *pa-pa 'rh*, of the eye fixed on a mark; not to be explained etymologically, unless *pa'* is taken as corrupt for the same character written with the 177th Radical *pa*³, (孔), a target.” It will be admitted that a philologist who, simply because he finds a difficulty in accounting for some ordinary character being employed in some ordinary expression, pronounces that character to be a corruption, and unhesitatingly proposes to assign to it an amended form of his own, is hardly a fit person to be entrusted with etymological legislation. But this is not all. Mr. Wade overlooks that the phrase is not 巴巴兒, a substantive construction, but 巴巴兒的, an adverbial one; and that its plain and obvious meaning, in perfect accordance with the common rules of Chinese grammar and with Chinese lexicology, is= “fixedly”, “closely”, “in a fixed manner.” True, he states, on another occasion, that “in our idiom the value of *ti* (的) is lost”, in other words, that the English language possesses no adverbial forms; but immediately adds: “it (的) stands for the manner in which; 我是坐車來的, I came in a cart, *g. d.* my (manner or coming) was seated-in-a-cart-to-come-’s (manner)”. Lastly, Mr. Wade fails to perceive that, in writing 孔 for 巴, he should translate our sentence: “When you are watching me day after day with all your targets.” The fundamental meaning of 巴, representing the handle affixed to certain objects,= “firmly affixed to or fixed upon; fitting on, to, or into; closely adhering or fitting to, either around or within”, is subject to no doubt. Again Mr. Wade writes: “陣 *chén*,⁴ (numerative of showers, gales, outbreaks, etc., *e. g.*) a heavy fall of rain, a gale of wind, an uproar, uproarious discussion, of a certain duration. The word *chén* means, properly, to fight an action, and is used as a Numerative with reference to the suddenness which is the condition (of the occurrences in question). It implies, say, such eagerness to arrive that (the person or event) cannot wait”. The symbol 陣 signifies literally: “a whirling mass” of anything; a whirl-wind or

hurricane, when applied to the wind; a hail-storm, when applied to the hail; a battle, when applied to an army. Once more we read under the heading of "The (Chinese) Numeratives": "刀, *tao*, a knife; only used with Paper; a *tao* of paper being a quantity of sheets laid flat one upon the other; employed apparently with reference to the effort required to cut through a quantity of paper so placed". Who would not be inclined to marvel at Mr. Wade's etymological "acumen", or be reminded by it of Cicero's blunt saying: "*Nihil est tam absurdum quod non aliquis philosophorum adfirmasset*"? The fundamental meaning of 刀 is a *blade*, f.i., the blade of a knife without its handle; a blade of grass; a blade, or, as we are accustomed to say, a sheet, of paper. The analogy is perfect. To quote one more passage: "頓 *tun*⁴, (originally, to bow the head to the ground; subsequently, a turn or time; hence, a meal;) Numerative of Meal, Flogging; *as though implying a certain fulness or completeness*". 頁 is employed in our sense of a *bundle*. 頓 is literally "a bundle of twigs, a birch". It used to be erected on a pole, as is done in many European country-places at the present time, to call the labourers in the fields home to their meals. Hence: "a mark and a meal;—in German "ein Mal or Mahl" has both significations;—a turn; a certain time; to desist from labour; to stop; and hence also: a flogging; to punish, to flog (children)".

120. As a grammarian Mr. Wade's "science", to which he lays a claim, is on a par with his science as an etymologist. No wonder. He defines grammar as "the science of words"; states 句, "a short clause" [a sentence] to be "the Numerative of language, oral or written"; and pronounces that "Tone"—which exists in the Chinese oral language only, and imparts to a sound quite a different meaning—"is to the Chinese monosyllable pretty much what Quantity is to the individual syllable in latin". In his "Chapter on the Parts of Speech", written in the form of a conversation, and in which Mr. Wade warns the student not to look for a "grammar," we read: "The single words in Chinese are classified generally in two grand categories, as *hsü tzü*, empty or unsubstantial words, and *shih tzü*, solid or substantial words; but I have never

arrived at a thorough understanding of the distinction, though I have looked carefully into the question over and over again. The denomination *shih tzü*, substantial words, is generic of all words that have a regular, (or *bonâ fide*) signification; and these are subdivided again according as they may be employed into *ssü tzü*, dead words, and *'huo tzü*, live words. It is not easy to define the precise characteristics of the *hsü tzü*. For example, in the sentence *ni pu yao ch'ien mo* (Don't you want money? or, Won't you have money?) the word *mo* has no regular (say, translateable) meaning. It is used simply to show that the sentence is interrogative. It is a *hsü tzü*, an unsubstantial word. Of the remaining words in the sentence, *pu*, not, has a substantive meaning, and yet, in Chinese it is accounted a *hsü tzü*. The words *ni*, thou, *yao*, to want, and *ch'ien*, money, are all *shih tzü*, substantial words. Distinguished as *ssü tzü*, dead words, and *'huo tzü*, live words, *ni* and *ch'ien* are dead words, and *yao* is a live word. The word *yao*, again, which we have just spoken of as a live word, and which in the passage before us, is a live word, may be used as a dead word elsewhere. For instance, in the phrase *ch'i yao tsai su*, the essential is despatch, the words *yao* and *su* are unquestionably dead words. Is there no live word then, you will say, in the sentence? Yes, to be sure, the word *tsai*, is, or, is in, is a live word. If you go further, and ask which words are substantial and which unsubstantial, the answer is that the two words *ch'i* and *tsai*, though each possesses a regular meaning, are, in this phrase, accounted unsubstantial words. It is evident, then, that the denominations *hsü tzü* and *shih tzü* are quite capable of being interchanged, one for the other, as circumstances may require. Perfectly capable, to such an extent that some people go the length of saying that every word is half a dead word and half a live word." The curious fact that Mr. Wade, after a quarter of a century's campaign, and with the aid of many native teachers, should, in spite of all his efforts, not have succeeded in comprehending so simple a thing as the general classification of

1 We have generally, ourselves, followed Mr. Wade's system of transliteration, not because it appears to us in any way satisfactory, but for the sake of here avoiding misunderstanding and confusion.

2 This is the same teacher, if we are not mistaken, who led Mr. Wade to believe

their symbols by the Chinese, requires no comment. It speaks for itself. The class *shih tzü* comprehends all symbols in their character of nouns, personal pronouns, and verbs; the two former constituting the subdivision *ssü tzü*, the latter the subdivision *'huo tzü*. The class *hsü tzü* comprehends all remaining symbols. In the sentence: 你下要錢麼, *ni pu yao ch'ien mo?* literally: "you not want money, eh?" *you* and *money* are included in the first subdivision, *want* in the second subdivision of the first class; *pu* and *mo* in the second class. The sentence 其要在速, *ch'i yao tsai su*, admits of two different constructions, depending on the context. It may be literally rendered: "What is required (consists) in despatch"; and "its requirement" (or "the thing required") [consists] in despatch"; in the former case, *yao* would be accounted a *'huo tzü*, in the latter a *ssü tzü*; in either case, *tsai*, in, is regarded as a particle, and consequently as a *hsü tzü*. Not every Chinese symbol, but almost every symbol of the class *shih tzü*, is "half a dead word and half a live word", inasmuch as the majority of the *shih tzü* combine, each symbol within itself, the properties of both the noun and the verb. The trouble which Mr. Wade has unsuccessfully taken, he states, to invent in Chinese, "an equivalent for the verb," has been a work of sheer supererogation on his part: a happier term than *'huo tzü*, 活字, "a motion-and-action-expressing symbol", could hardly have been given to it. The laws regulating the modifications of sound, which in certain cases accompany the changes of intonation, the author of "Tzü Erh Chi" not even suspects. The difference between the insonants *tj* and *ch*, before *i* and *ü*, escapes his ear. Instead of pronouncing, for instance, 家 *tjiá*, 江 *tjiáng*, 貝 *tjién*, 句 *tjiü*, 君 *tjiün*, etc., he pronounces these symbols: *chia*, *chiang*, *chien*, *chü*, and *chün*, respectively. The initial sound of 小, 心, 兄, etc., which is the sibilant *s*, followed by a peculiar aspiration, he takes to be the aspirate *h*, followed by the sibilant *s*, and writes: *hsiao*, *hsin*, *hsiung*, etc.¹ His native teacher Ying Lung-T'ien² reduces the five intonations, proper to the

that the Chinese text of his "Hundred Lessons", an old well-known manual to teach the Chinese Manchu, was a composition of his; and in consequence of which Mr. Wade, we are given to understand, in the first instance published it, accompanied by an English version, in his own name.

standard oral language of China, to "four tones, the 5th or re-entering tone being entirely suppressed"; and he leads the student to imagine, that his "tone-system", known only to a few score of natives, is that of "the *kuan hua*, or the colloquial medium not only of the official and educated classes, but of nearly four-fifths of the people of the Empire". To conclude this subject. With a truly startling degree of illogic Mr. Wade writes: "Any attempt to divide the (Chinese) language authoritatively into the categories known to us as Parts of Speech would be futile. Still our Parts of Speech must of course have their equivalents in Chinese, whether we are able to categorise them as Parts of Speech or not; nor could Chinese be a language unless it possessed within itself the means of producing most of the results effected in all other tongues by inflection". If Mr. Wade be accepted as an authority upon this point, the Chinese language, we fear, will have no longer a claim to

¹ We appreciate with Mr. Wade, as exemplified by himself, so fully "*the danger to which a vicious process of etymological investigation exposes the translator*", and there is in this direction so much "scientific" speculation abroad, that we cannot refrain from referring here to an article on "*Chinese and Egyptian Hieroglyphics*", recently contributed by Mr. Goodwin, an Egyptologist of some note, to "*Notes and Queries on China and Japan*", vol. iii, No. 11. "In analysing Chinese characters", the author writes, "the practical scientific question is, is there not, or has there not originally been in every group, a phonetic part? There is no doubt that the Chinese like the Egyptians began with hieroglyphics, that is, characters representing distinguishable objects, and it is admitted that the phonetic principle prevailed. At present it is said that upwards of 20,000 characters contain a phonetic part; the number of purely ideographic characters is estimated by Mr. Edkins at about 2,500. This seems far too large a number to have been contemplated by the original inventor, and must have rendered the task of reading, in the earliest stage of the invention, one of enormous difficulty. Is it not more probable that the first Chinese writing was more simple and practical, that it embraced only a moderate number of phonetics and symbols, and these were at first always combined, as in the Egyptian? A few may perhaps have stood alone, conveying to the eye both sound and sense, as in rare cases happens in the Egyptian".

To our mind, we must confess that the idea of a primitively *mixed* phonetic, i. e. alphabetic, and pictorial written language, appears simply preposterous; and speculations as to the probability of what the unknown original inventor of an unknown original thing may or may not have contemplated, we hold to be at least useless. Nor are, as Mr. Goodwin imagines, even in hieroglyphic writing, phonetics and symbols "always combined". There is every reason to believe that the primitive written language of the Egyptians was,—what all such languages must necessarily have been,—purely pictorial; for the simple reason, that sounds are naturally unrepresentable in writing, and that phonetic writing presupposes an artificial system of symbols to have been designed for the purpose of expressing the sounds of the human organ of speech, as more or less developed in a particular race of men, but always

be considered a language: because, as a matter of fact, it does possess neither inflection nor, within itself, the means of producing results, which can be produced by inflection alone. To acquire a knowledge of Chinese, something more is needed than a mere mechanical exercise of memory. The peculiar defects of the language have to be bridged over, as it were, by the mind and intellect of the devotee. Without certain powers of philological transmutation, of critical acumen, combination, logic, and common-sense, apart from a knowledge of universal grammar, a study of the Chinese language, however long and earnestly pursued, must ever, for the purposes of science at least, remain a barren and profitless pursuit: and of all those qualifications, indispensable to success, the author of the "Tzū Erh Chi" has proved himself to be well nigh destitute.¹ Not in grammar and etymology, but in "tittle-tattle" and "fiddle-faddle" his *forte* would seem to lie.

consciously analysed. In other words, the condition of phonetic writing in any form or shape is an alphabet. Hence, and from the facts as they still appear, we may conclude that, when the transformation of the pictorial into a phonetic, i.e. alphabetical system of writing took place in Egypt, certain of the old outlines of objects or pictorial signs were selected, on the ground of some clearly understood principle, to represent the new phonetic elements, i.e. the letters of the alphabet, (in a manner somewhat analogous to the formation of the Japanese alphabet from the written symbolic language of China); while, in order to obviate any ambiguity of expression, additional figures were set aside for determinatives of meaning and other grammatical signs, properly speaking no longer in their symbolic character, but as abbreviations of the corresponding phonetic terms.

On the other hand, the Chinese written language has never undergone such a transformation. The Chinese have no alphabet, i.e. no system of phonetic writing. The very fact that they have almost desisted from the attempt to arrange their "words" according to the initial or final unwritten sounds by which they are pronounced, and class them under the determinative symbols, proves of itself that the Chinese written language is essentially, if not purely, a symbolic or pictorial language. Indeed, what in their compound symbols are usually regarded as phonetic elements, are, as we have already shown, not so. To take the further symbol 見 *tién*. It is composed of 儿, a pair of human legs, expressive of motion, (generally mistaken for another form of 人 *jén*, man,) and 目 properly 合, *mu*, anciently written 𠂔, an index for comparison or reference; that by which a thing is recognised; or which serves to distinguish exterior things: hence the eye, the proper name of which is *yen*, written, 𠂔, a corrupt form of 𠂔, "the body's light", comp. Matt. VI, 22: "the light of the body is the eye". The meaning of 見, therefore, is an eye in motion, i.e. a glance (whence, splendour; shining; shining forth); and as a verb, to look about, to overlook. Now in the compounds 覷, a man looking about, a spy; 覷, shining earth, mire; 覷, the Sun's glance i.e. the Sun's rays, the Sun shining forth, etc., 覷, the glance (splendour) of a precious stone; 覷, the shining insect i.e. the glow-

121. This only leaves us to advert to some few passages in the "Tzū Erh Chi", not yet adduced, which bear on the Hon. Mr. Burlingame's Letter of Credence and the despatches of the Tsung-li Yamên relative to the Mission. Consistency in translating, on Mr. Wade's part, is hardly to be expected. While rendering 大皇帝 "His Majesty the Emperor", he renders 皇 "august, imperial", and 皇上 "His Majesty". The latter term,—literally: "the Exalted Chief or Lord (of Mankind)",—is not the title, but a *familiar* designation of "The Great Exalted Monarch and Highpriest of the World", frequently corresponding to our expression: "the Sovereign", "the King", "the Queen", and used *exclusively in historical parlance*, *f. i.* in the "Peking Gazette", when speaking of the movements of the Emperor; and so in Chinese literature generally. As a *title* for Western Sovereigns it would, consequently, be no fit and proper term. Three more Chinese equivalents Mr. Wade gives for "the Sovereign", namely: 君上 and 主子家, being of his own invention; and 朝廷, which he also translates "the Court". He writes: "皇上朝廷都說得是主子家, The meaning of both 'Huang-shang and Ch'ao Ting, (or the person meant by both expressions) is the Sovereign. *Obs.* the sovereign; *chu-tzū-chia*, the master, a phrase in vogue more among the Manchus

worm or the fire-fly; 覷 "the iron glance", a small spear-like weapon; 覷 the speech looking (cautiously) about, *i. e.* to whisper;—in all these compounds, I say, being pronounced alike, (and disregarding 規 *kwéi*, etc. to overlook the whole Earth, to rule, to govern), 見 is commonly regarded as constituting the phonetic element; whereas it manifestly represents the same general *symbol*, the special meaning of which in each special case is determined by the prefixed determinative symbol.

"But what are we to say", Mr. Goodwin continues, "to such combinations as 相 *siang*, meaning 'to look and examine', 'to join with', 'mutually', 'reciprocally', etc? This is said to be from eye and tree *q. d.* the eye prying among trees. Is it credible that the inventor of a system of writing ever contemplated such a nonsensical way of expressing a word as this? My suggestion is that in this case the character 目 *muh*, eye, is alone symbolical or determinative, and that the other character 木 also sounded *muh*, meaning wood, is a corruption of some hieroglyphic which represented the sound *siang*. In order to prove this it would be necessary to trace the actual history of this word through inscriptions of different periods, a task which I am not competent to, even if any materials for the search exist! The ancient writers, like the author of the Shō-wăn, may have had such materials, but they set out, as I believe, upon a wrong theory, and indulged their imagination in finding symbolical meanings, when they ought to have been looking for mere rebuses (!) or representations of sound".

than the Chinese; *chao*, properly to see the Emperor, as at Court, any dynasty of China; *t'ing* properly a hall of assembly, specially the Emperor's Court, the Court". The true meaning here of 朝廷 is "the Founder of the Dynasty"; nor have we seen it employed in any other personal sense. Whether 主子家 is a term "in vogue with the Manchus", we know not; it, certainly, is not Chinese. Nor is 君上,—a compound, more unacceptable even than 君主, and which no native would use, unless it be out of complacency for the whim of a barbarian. In this respect the Chinese teacher is "polite to a fault"; that is to say, to save himself trouble, he will, if the foreigner persist, say aye to any linguistic absurdity which the latter may choose to propound. Mr. Wade writes: "君上是百官萬民的主子家主兒是底下人的主人, the *chün-shang*, sovereign, is the lord over all his subjects, official and unofficial; the *chia-chu-'rh*, master of the house, is *chu-jén*, master over his servants. *Obs.* all subjects; *lit.* over the hundred officials and the myriad non-officials. The Manchus more particularly speak of the Emperor as their *chu-tsü*, master; a Chinese consulted objects to *chia-chu-'rh* for head of the family, except when applied to the Emperor". Notwithstanding which Mr. Wade teaches the erroneous expression as a true one to the

This passage again shows, on the one hand, how untrustworthy are the views of Chinese etymologists, and the corresponding definitions given in Dr. Morrison's Dictionary; on the other hand, how slow we should be, without a sufficient knowledge of our subject, to indulge in philological suggestions and speculations. Nothing can be clearer than the meaning of the purely pictorial group 相 "the tree's index" namely, a normal segment of the trunk of a tree, ◎ "indicating" its texture, species and age; hence also "concentric", "reciprocal", "mutual"; in more recent times, after the symbol had assumed its present square form 目: "co-lateral", "super-added", or "joined to"; and as a derived meaning "to look and examine". The oral designation "*siang*", of course, already expressed the idea of concentricity and reciprocity, when it was first pictorially represented by 相; as is proved also by the like-sounding combinations 想 to concentrate the mind, i. e. to think, to ponder; 緇, woven silk of the 相 pattern (not, as Dr. Morrison has it, of a particular color); 箱 small latticed side-compartments of bamboo; 廂房 the two side rooms to a principal central room; etc.

Materials for the study of the history of Chinese writing, reaching down from the S'ia dynasty, begin to be numerous towards the reign of the Chow; that is to say, they date from a period, about two thousand years anterior to the 說文 ("Shō-wán", written about A.D. 100), which Mr. Goodwin, strangely enough, would seem to regard as our earliest source of information on the subject. They consist of inscriptions upon

Consular student. There are many Chinese nouns, which do not take 兒; and others only do so to assume a special meaning. In colloquial, as well as in classical, language, the master of the house is 家主; in the former 家主兒 assumes the meaning of 國家主, "the sovereign", 人主, "the lord of mankind". The explanation: "lit. the hundred officials and the myriad non-officials" is ungrammatical. 百官 and 萬民 are *collective terms* = (the whole body of) officials and (the whole body of the common) people. To designate the Emperor of China as "the lord over [all his subjects, namely, one hundred mandarins and a population of ten thousand souls]", is devoid of sense. Elsewhere Mr. Wade erroneously renders 官 "the government". Thus he states: "The condition of the empire, its order or disorder, depends altogether upon (官) the Government"; and again: "官民就是官長下民, the expression *kuan-min*, government and people, means the authorities and the people below them". The symbol 官 never signifies "the government", but invariably "an official, or the officials in the employ of the government", i.e. public servants. As erroneously Mr. Wade renders 國 "a nation," "a government," 中國 "the Chinese Government"; and translates 本任的官: "the proper officer of a post"; as though the Chinese "nation",

rocks, walls, stone monuments, metal vases, seals, coins, etc. "The investigation of inscriptions on ancient stone tablets", Mr. Wylie remarks in his valuable "Notes on Chinese Literature" (Shanghai and London, 1867, 4to., p. 61), "has long been a favorite study among a portion of the Chinese; and there is no doubt that many of these form exceedingly important and interesting documents, as contemporary historical records. The interest attaching to these records, and the skill with which the natives are able to produce fac-similes from the stone tablets, has given rise to a practice among many men of wealth of keeping a series of these impressions in their cabinets. The 金石錄 in 30 books, a production of the Sung, consists of a catalogue by Chaou Ming-ching, of 2,000 inscriptions in his family hall".

From this, some idea may be formed of the unparalleled extent of materials for the study of the written language, which exist in China. A large number has been reproduced, in fac-simile, in printed works, several of which are described by Mr. Wylie. Among the more important collections, which have remained unknown to him, and copies of which we have been fortunate enough to secure during our stay in Peking, we may call the attention of students to the following: 金石索, a choice collection of inscriptions in fac-simile, on metal and stone, from the Yu tablet downwards, 1822, 12 vols. in 4to. 欽定西清古鑒, an Imperial Collection of Metal Vases, Coins, etc., described and illustrated, with their inscriptions in fac-simile, from the earliest times, 1751, 42 vols. in folio; 西清古鑒, a supplement to the latter work [still unpublished, and circulating in a few MSS copies only, 14

the Imperial "Government" of China, the "authorities" of a Chinese city, and any Chinese "officer" on duty at some post or other, were all one and the same thing, and a Mandarin be at least the equal of a King. Is it merely to ignorance, inconsistency, or confusion of ideas, that we are to ascribe all this confusion?

122. One of the most contemptuous terms, which used to be applied by Chinese officials to the "Outer" States, is 番 *fan*, either by itself or preceded by 外. Let us soften down its import to "barbarous". Mr. Wade translates 番邦, literally a barbarous dependency (of the Chinese Empire Universal): "a foreign state", and: "foreign states"; and 在番邦, said in reference to Chinese citizens of the Central State having taken unto themselves wives or concubines in barbarous dependencies, he translates: "while abroad". Of a passage, which reads: 伏思我皇上中外一體外番貿易... "Humbly considering that the Central and Outer Dominions of our Exalted Sovereign constitute but one Body (Body-Politic, or Empire), and, the commerce of the outer barbarous dependencies"...(etc.), his version reads: "Humbly reflecting that it is because of our Emperor's treatment of the native and foreigner as one, that the trade of the foreigner (is

vols. in folio; 寧壽鑒古, a collection similar to the preceding, also as yet unpublished, written and illustrated in the same superb style, 28 vols. in folio. Among the many works on ancient seals, both in MSS and printed, acquired by us, and not known to Mr. Wylie, we may name as now very scarce, but containing the most useful collections, the 印史, 20 vol. in 8vo., and the 集古印譜, 12 vols. 8vo. The latter is the only printed work we are acquainted with, which includes fac-similes of the Great Seals of the Emperors of China. The most complete treatise on Chinese Numismatics, which has as yet appeared, was lately published under the title 古泉匯, 1864, 16 vols., in 8vo., by 李佐賢: the work, however, has been but very indifferently got up. An early Dictionary, valuable for the special studies here in question, and not known to Mr. Wylie, is the 六書精蘊 (our copy, without date, is said to be a production of the Sung press), 20 vols. in 8vo. The printed portion of the 西清古鑒, previously alluded to, and an exemplar of which is in the Imperial Library at Paris, M. Stanislas Julien took recently occasion to describe, and not unjustly so, as "a magnificent work of its class, which would reflect credit on any nation".

Mr. Goodwin, in suggesting that the Chinese may have derived their system of writing from the Egyptians, betrays the not uncommon foible of egyptologists, to identify themselves with their chosen people; to make it the centre of human history; and to imagine that every other race must needs have borrowed its civilisation, down to the writing of a distinct language, from their own darling pet.

enabled to continue)".¹ Not only is this version linguistically erroneous, because the term 中外 is never applied in a personal sense, and 外番, consequently, is here, likewise, to be taken geographically; but inasmuch as "the Emperor's treatment"—the word *treatment* is an addition of the translator's—"of the native and foreigner as one" was certainly not the fact,² it is, moreover, at positive variance with the truth. In another place Mr. Wade writes: "中外各國有事情得知會平行的官來往用照會," "When communication is necessary on any subject between China and a foreign government, the officers corresponding, if of equal rank, use the form *chao-hui*, communication." There is no question here of "China and a foreign government", but of "the Central State and any individual Outer State (of the Chinese Empire Universal)"; and 照會 is neither "a communication between equals", nor is the form ever used by Chinese officials of equal rank; its true meaning is: "an instruction", here from the Central State (China Proper), to one of the dependent States (England). This we have previously shewn. But to his own version Mr. Wade appends the following note: "*Obs.* China; *lit.* the within and the without; or the central (state and the states) without". Now, this remark proves that Mr. Wade was fully aware of the true meaning of 中外, and, since he was as fully aware of the claims of the Emperor of China to Universal Supremacy, that he knowingly misled the Consular student by an erroneous translation. We have further seen, that such erroneous translations abound in the

¹ This passage occurs in a Notice from Chên 'Hung-Mou, "reminding merchants trading beyond sea, that they are free to return home, 1754". (Wade's *Tzû Erk Chi*, Documentary Series p. 128, Key p. 33.) A curious paragraph or two, however, as characteristic of the Chinese "Government", show that only the merchants of *substance* were invited to return, and that the *poor* trader and the vagrant were to be left behind as a fit burden upon the "barbarous dependencies". According to Mr. Wade's own translation, those paragraphs read: "Whatsoever persons, being good subjects, have been trading in foreign states [番邦], provided that their real reason for not returning within the time allowed, was their inability to close their accounts, have *one and all* permission to return to their homes; the authorities, civil or military, of their own districts, will not be allowed to make (their past absence)—this is Mr. Wade's addition—"a pretext for extorting from them the money or goods they may bring with them; and they may bring with them any women whom they may have taken as wives or concubines while abroad [在番邦], together

"Tzū Erh Chi", and that, like those of Dr. Williams, they have all the same political pro-Chinese tendency; that he has accustomed himself to offensive and insulting expressions, on the part of the Tsung-li Yamén, whether they be of a national or of a more private character; that he makes light (74) of the position of England as a tributary dependency of China,—a position officially and systematically assigned to Great Britain by the Celestial Government; and that, as Chinese Secretary and Translator to H. B. M.'s Legation at Peking, he has accepted for our Most Gracious Sovereign Lady, the Queen, a Chinese title in the highest degree derogatory to Her Majesty's Royal position and the dignity of the British Crown. The "Tzū Erh Chi" is now the indispensable Handbook of the Consular student in China for study and examination; and for the same purposes it has been forced by Mr. Hart, the confidential adviser of "the Chinese Government", upon the foreign students in its employ. Thus Mr. Wade's work has become a general training-school for "the outer barbarian", to train him—not in a sound elementary knowledge of the Chinese language with a view to its further independent and critical pursuit,—but rather in the rudiments of defective Chinese linguistics, such as they were created by Dr. Morrison and his followers under great difficulties, and, though with well-deserved credit to themselves, yet with little profit to philology and the study of Chinese; in the individual errors of the author, his favourite slang, his grammatical and etymological vagaries, super-added to the traditional defects; in the illiterate views of native teachers; in an unhealthy abstinence from

with their sons and daughters by these...Strict enquiry [however] must be made after vagrants and idlers without a home, who, having brought no funds to trade with, may have unauthorisedly crossed the seas"—back to China—"for the purpose of cheating people out of their money"—i. e. cheating the authorities out of their prospective squeezes—"by affecting to be what they are not (*sc.* capitalists); none such will be allowed to return home".

² In the very document in question it is said: 我皇上懷柔外番愛養黎, which Mr. Wade renders: "His Majesty cherishes with *tenderness* the outer foreigner, with *love* he nurtures the black-haired people (of China)". The distinction is in reality much more strongly expressed: "Our Exalted Sovereign treats with yielding benevolence the outer barbarian; with love and affection he cherishes his multitudinous people",—a favorite designation of the Chinese for the population of the Central State or China Proper, as distinguished from the "barbarian tribes" inhabiting the Outer States.

all independent investigation; and, lastly, in a complete and culpable subserviency to Chinese arrogance and conceit. That subserviency, we repeat, is a culpable one; not only because it misguides the Consular student, and impairs his future efficiency as a public servant; but, moreover, because it impresses the Chinese Government and officials with a sense of Western inferiority of intellect and their own superior craftiness, encouraging perseverance in a course of duplicity, deceit, and overbearing; and, above all, because it countenances the belief of the Chinese people in the Universal Supremacy of their Emperor, as the one Divinely appointed Ruler of the Earth, tends to retard the effective opening of his dominions to Western commerce and civilization, and is opposed to the best interests of the Chinese nation itself. It is for this reason that we have devoted so large a space to the present subject—a subject which appears to us not to be undeserving of the attention of H. M.'s Government. With the preceeding illustrations of the real nature of Mr. Wade's sinological acquirements to refer to, that H. M.'s Secretary of State for Foreign Affairs will accord, hereafter, any undue weight to whatever opinion the distinguished author of "Tzū Erh Chi" may have expressed or express, upon the Hon. Mr. Burlingame's Letter of Credence, it would be unreasonable to apprehend.

§ 13.

DÉBUT OF THE MISSION.—TRUTH *VERSUS* FICTION.

123. Every possible precaution having been deemed necessary to render the Burlingame Mission a *fait accompli* and to insure its free action on the outset, the ready joke of His Imperial Highness Prince Kung (18—19) was deferred to the icy season, when the opposing powers of the Foreign Ministers would be, as it were, frozen up in “the Northern Capital”, and, the navigation of the Pei-ho being about to close, the Hon. Mr. Burlingame would have a fair excuse to escape, with every practicable haste yet without seeming impropriety, from the co-operative solicitude of his colleagues. On the 23rd November, 1867, he telegraphed to the American Government his appointment as “envoy of Chinese empire”: on the morning of the 25th November he was, surrounded by his family and a brilliant circle of friends, “the escort-men of the English Legation mounted on Arab horses with their white helmets and flashing sabres leading the advance”, seen to issue from the *Sha-Hua Mén* or “Dust-Heap Gate” of Peking, on his way to Tientsin. An eye-witness relates, that “the parting scene was quite touching; the clear blue eyes of the veteran Sir Rutherford Alcock, Her Britannic Majesty’s Minister Plenipotentiary and Chief Superintendent of Trade, being suffused with emotion”.¹ His Excellency must, in those moments of poetic grief, have trusted, for personal safety, to the instincts of his hack, rather than to his own “clear blue eyes”. The roads of Old Cathay have not kept pace with time. They may have been excellent four thousand years ago, but they are, near Peking at least, incredibly bad just now; and the country, which is said to have been held in admirable order by Yáo and Shun, is far from secure in the days of the “T’ung-Chih”

¹ “The Chinese Embassy to All the Treaty Nations”, Flying sheet in fol., Shanghai, 1867. The author, who signs himself “Jasper”, is unknown to us.

reign.¹ During the winter of 1867, "the Metropolis of the World" was kept in a constant state of alarm by "flying cavalry detachments of the Nien-féi rebels".² While they were known to have molested, and come across, no foreigner, they were ever present to the imagination of the Chihli peasant, and the Tientsin carter. Both used to see them waiving their "blood-red banners", in every distant group of willow-trees, and every far-away cloud of dust; and, since clouds of dust and clumps of willows are chronic phenomena on the sandy plain stretching from the Gulf of Chihli up to the Northern Capital, the "mounted robbers" had become a chronic disease of Chinese vision between Peking and Tientsin. Thus it happened that, on the approach of the Hon. Mr. Burlingame and his party to the village of *'Ho-si-wu*, an appropriate dust-storm having arisen, the "blood-red bannermen, said to be a thousand strong", were reported "a-head"; and a panic seized the ambassadorial cavalcade. We refrain from narrating the tragic-comical scenes, said to have been enacted on that memorable occasion, with a dramatic effect which augured well for the future performance of the new Imperial Messenger. Suffice it to say, that, one of the inns having been improvised into a temporary citadel, the Hon. Mr. Burlingame "tempted couriers to proceed to Peking and Tientsin, by offering a heavy sum of sycee, if they pushed through, and delivered his despatches". They did push through the willows and the dust; and "after forty-five weary and terrible hours of suspense, the long looked for relief came to the besieged and beleaguered at *'Ho-si-wu*". In the meantime, "while waiting

¹ The motto of the present reign may be rendered: "Union and order". The Chinese, on the ground of certain astrological principles, expect great things from it for China.

² Mr. Hart, the Inspector-General of Chinese Maritime Customs, in order to allay the disquietude of the Foreign Ministers and his own, used, at that time, to communicate to the Legations one plan after another, by which he felt in each case sure of having "surrounded" and captured the whole rebel force. The rising was at last suppressed by Li-Hung-Chang, as may be seen from his report in the Peking Gazette for August 20, 1868. Lest, however, too much credit be accorded to that General for his long-deferred success, an Imperial Rescript appeared in the same Gazette on August 30, ascribing the final victory to higher powers. The reader will not without interest read the following translation of the Edict:—"A report has been received from Li-Hung-Chang, concerning the aid, rendered to our troops by the God of

for the expected aid, Mr. Burlingame sent out at intervals one of the men of the English escort-force, who had accompanied us"—we continue to quote our eye-witness—"from the capital...Scouring the country on an old war steed, formerly belonging to Col. Fane of the "Light Horse", the old charger seemed to "snuff the battle afar" while his rider stern,...with his keen sabre flashing in the sun-light,...formed a splendid picture of the soldier, and one that Horace Vernet would have fancied painting". But he saw neither robber nor rebel. The "besieged and beleaguered at '*Ho-si-wu*'" were, on the first morning after the threatened attack, peaceably joined by a member of the London Mission at Tientsin, and on the second morning by the Harbour-Master of Shanghai: "adding two sturdy hearts to their little band". But neither traveller had seen rebel or robber. Finally, at noon of the 28th November, however, the "terrible suspense" of "the besieged and beleaguered at '*Ho-si-wu*'" came to an end. There arrived from the Peking side, "riding fiercely", two or three cossacks and one or two more escort-men, led by three members of the British Legation. They had encountered clouds of dust, and numerous clusters of willow-trees; but neither robbers nor rebels. And there arrived from the Tientsin side, led by the gallant Lieutenant of H. B. M. gun-boat *Dove*, and the English Drill-Master "General" of the disciplined Tatar army, in his blue satin cloak, a score of "jolly sailors, looking grim and determined", with two score of "Chinese troopers, long and ugly sabres dangling at their waists". They, too, had seen numerous clumps of willow-trees and clouds upon clouds of dust;

Rivers. When, in the course of the fourth month (April—May, 1868) the rebels were about to cross the Imperial Canal, the River-God manifested his miraculous powers by suddenly causing the waters of the Yellow River to rise several feet and to flow over into the Imperial Canal, whereby the rebels were obliged to fall back. During the intercalary month (May—June, 1868) the River-God appeared bodily at *Chang-Chiu*; the waters of the Yellow River and the Grand Canal rising simultaneously to an unusual height, so as to prevent the crossing over of one single rebel. It is therefore ordered that new titles of honor, to be proposed by the Board of Worship, be accorded to the orthodox River-Gods generally, and that an Inscription be indited by the Han-Lin College, [the first Learned Body of China], to be engraven upon a wooden tablet, and to be presented to the Governor of Shantung, for him to erect with due reverence in the Temple of the God of Rivers at *Chang-Chiu*, as a public token of gratitude for the aid vouchsafed by the God".

but of either rebels or robbers not a trace had they met with. The "picturesque" ambassadorial cavalcade, who had expected to arrive at Tientsin within forty-eight hours after their departure from Peking, reached that port unmolested "on the 29th November at mid-night, nearly five days travelling eighty miles!" The farce of "Besieged and Beleaguered at 'Ho-si-wu'" had been played; a sensation produced: the Burlingame Mission had been inaugurated.

124. The native members of the Mission left Peking on the 4th of January, 1868, proceeding in carts to Chin-kiang, and thence by steamer to Shanghai. They were followed on the 7th January, by Mr. Brown. The journey, which by railway would have been performed in a couple of days, occupied nearly a month. On the 25th of February, the "Embassy" embarked for San Francisco. Its diplomatic *début* in that city was in perfect accordance with its origin and inauguration. We say its diplomatic *début* in San Francisco, because the Hon. Mr. Burlingame, instead of proceeding, in his assumed capacity of Representative of the Emperor of China, to the capital of the United States, in order to present his credentials to the Chief Magistrate of the American nation, addressed himself, as though he had been the showman of a public exhibition, in the first instance to the press and the photographers, in the second instance to the people, of California. Above all things, he wished to make, in addition to his pay, political capital out of his Celestial appointment, with an ultimate view to the Presidency, with a more immediate view to a voice in the Senate. To him, the interests of China were, from the very commencement, subordinate to his own personal interests. To forward the latter, he did not hesitate to deceive both his own country and his employers. A sanguine temperament as his undoubtedly is (92), that, with the experience of a five or six years' residence in Peking, he could, making every allowance for the most sanguine of temperaments, have believed to be truth what he publicly impressed, respecting China, as truth upon the national

¹ Banquet to His Excellency Anson Burlingame and his associates of the Chinese Embassy by the Citizens of New York on Tuesday, June 23, 1868. New York, Sun Book and Job Printing House, 1868, 8vo., pp. 12, 9, 10.—The only foreigners of note, present at the banquet, were "the Hon. Blacque-Bey, Turkish Minister" and

mind of the American people, it would be simply preposterous to assume. To comment here upon the unfounded character of all his rhetorical assertions, to expose the fallacy of all his disingenuous arguments, would detain us too long, and only sicken the reader. We cannot abstain, however, from touching upon some of the more prominent points, which have, directly or indirectly, served him, upon various occasions and in various forms, to mislead the public opinion of the West; to sow the seed of a new war with China; and to prepare, may-be, the downfall of its reigning dynasty.

125. When the Hon. Mr. Burlingame solemnly calls upon "the youngest of nations" (6) to "forget its ancient prejudices" against "the oldest nation in the world", placing the prejudices of China, accumulated during four thousand years, on the shoulders of his own country; when he implores the great republican "nursery of freedom and equality" to "abandon its assumptions of superiority" over the one absolute Monarchy of the World, whose Ruler assigns to America the position of a moderately-sized province of his One and Undivided Empire Universal, claiming, as the Representative of Heaven, the personal right of life and death over every one of her free citizens; and when he "averts that there is no spot on this earth where there has been greater progress made, within the past few years, than in the Empire of China": the Celestial messenger shows to what an extent he calculated on the ignorance of Celestial affairs in the West, and the facile belief of his too eager, sublunary audience. Without hardly an effort, he lulled it into the wild dream of America being about to "contribute to the Chinese her noble institutions, the freedom, the genius, the enterprise of her people."¹ Had not the ground been already prepared? Was not "the present enlightened Government of China, directed and guided largely by that modest and able man, Mr. Hart"—who had fixed the Hon. Mr. Burlingame's rate of pay at £8,000 a year—"steadily advancing along the path of progress"? China, he boasted, could boast of, and should be given credit, in the

"Rear-Admiral Baron Macquet of the French Navy". All the Ministers resident at Washington had been invited: all, with the exception of the Representative of Turkey, had under various pretexts, some of an amusing character, declined the invitation.

first place, for "an organized foreign customs-service under the directorship of Mr. Hart, which had attained a perfection and completeness not to be surpassed in Europe". We have already spoken of the mal-administration, and mal-direction of this service by the present Inspector-General (10-13). Why "the introduction into it of several hundred foreigners"—the Hon. Mr. Burlingame is given to exaggeration—"should, *of course*, have embittered the ancient native employés" as he states, is not apparent. That one of the chief causes of hostility towards foreigners, on the part of the officials of China, is connected with the Customs-service and the fact of Mr. Hart's residence at Peking, his ambition, and the manner in which he exercises his influence and his power, certainly, admits of no doubt; but by what process of reasoning credit is to be given to China for this circumstance; for the existence of a service, which was forced upon her by that "tyrannic element" of "Armstrong guns and Enfield rifles", *against* which the Burlingame Mission "was sent forth to the Christian world"; and for her incompetency to conduct the service in question herself, we must confess to be unable to understand. Credit is further claimed to China for her "unequalled low tariff" of maritime duties on merchandise, imported or exported in foreign vessels,—for, to these limits the foreign Customs-service is restricted. Again it might be argued, that the tariff, such as it is, was, together with that service itself, imposed on China by European arms. But the tariff is by no means what

¹ To what an extent this system of levying taxes, in addition to those fixed by the treaty-tariff, on foreign goods, is carried, may be inferred from a case, which has just come before the Mixed Court at Shanghai. The facts are shortly these: a highly respectable German firm, Messrs. Remé & Co., sent by one of their coolies a sample piece of habit cloth to a shop in the English Settlement. The coolie was stopped by a Chinaman, who claimed a tax of Tls. 0.46 on the parcel. In vain he was told that it contained foreign property. *He demanded proofs to that effect, and meanwhile seized the cloth and deposited it in another shop.* The Messrs. Remé very properly had the case at once submitted to the Mixed Court. It was thus it came out that similar taxes are levied, in the very Foreign Settlement, upon all foreign goods being the property of Chinamen, and that this "right" of illegal taxation is sold by the Taotai to a Chinese Association, *Yang-pu-kung-too-hong*, who employ, in the Foreign Settlement itself, some fifteen men to collect such taxes. In this case, the value of the piece of cloth was Tls. 21—; the legal duty, paid upon it according to tariff Tls. 0.89; and the additional duty levied, *within one hundred yards of the Custom-House*, Tls. 0.46, or upwards of fifty per-cent of the former. The Chinese Magistrate Chén decided, that "the man had committed a serious offence in having asked for the impost on the

it is asserted to be. It is a low one only as compared with the tariffs of Western countries, generally subject to a high taxation. As compared with the general rate of taxation in China, the maritime duties, as directly levied, are, in the first place, *very high of themselves*; and, in the second place, they are, *by additional and almost arbitrary taxation in the interior*,¹ *made to weigh more heavily on the legitimate Chinese commerce of the West, than do the maritime duties, fixed by any other tariff known*. Credit, again, is to be given to China for her "immense river-steamers, which daily glide on the broad bosom of the Yang-tze and steam eight hundred miles into the interior of the empire". These steamers do reflect credit on American and European enterprise; but none on the Chinese Government. They are a very sore in its sight. It would as joyfully sweep them from the Lower Yang-tze-kiang, as it keeps them excluded from the river's upper course, and the inland waters. Credit the Hon. Mr. Burlingame claims to China for a "beginning in the purchase of gun-boats"; for "the establishment of arsenals under foreign supervision"; for "the introduction of foreigners to drill her troops". It is true, that "modest" Mr. Hart has purchased a considerable fleet of gun- and despatch-boats, including a steam-yacht for himself, vessels all flying his own flag, with Chinese money, apparently also for objects of his own, as the self-constituted *quasi*-Lord High Admiral of the Chinese Navy;² but it is equally true that, on a former, not very remote occasion, as the reader may

public road and on goods not a Chinaman's, *but in itself the tax was perfectly right*; only its collection should be gone about privately and quietly". We shall have to revert to the subject.

² We find in "the North-China Herald" for March 29, 1870, a leading article on this subject, from which we quote the following passages: "What object Mr. Hart had before his eyes in the acquirement of the fleet of cruisers now in China or on their way from England, it is difficult to fathom. That the vessels have no legal status, except as the personal property of the Inspector-General, and that their commanders derive their appointments from him direct is, we believe, a notorious fact...We hear that two steamers, lately arrived from England to his address, are now lying in the Canton waters, and that two others are very shortly expected; so that we may notice the curious spectacle of British and other foreign officers commanding *quasi* Chinese men-of-war, but flying a flag and bearing the commission of a British subject holding a civil appointment in Peking. So far as concerned the Lay-Osborn fleet, we at least knew the ideas and intentions of the then head of the Custom's Department...Owing to Mr. Hart's preoccupation in Shanghai, in carefully digesting the medical reports on the young gentlemen in the Customs" [evidently said

remember (93—98), the Hon. Mr. Burlingame, as United States Minister, set his face against the propriety of China employing a similar little fleet, commanded by a responsible and competent naval officer, for clearly defined national and legitimate purposes. We are at a loss, therefore, to conceive on what principle credit is to be given at all to China, and more especially by the Hon. Mr. Burlingame personally, for a beginning in the purchase of unemployed gun-boats, unless it be on the principle of Mr. Hart's *modesty* in not at once buying for himself a whole iron-clad navy? Perchance, however, it is only a want of funds, which has temporarily restricted the Chinese *quasi*-Lord High Admiral's "modest" operations: let the present American Minister in Peking, the Hon. Mr. Low, see to the matter. It is also true, that the Chinese Government has established arsenals and naval dock-yards under foreign supervision, turning out steam-ships, machinery, heavy ordnance, small arms, and ammunitions of war, of every species and description, in any quantity, and as fast as they can be produced, and that it has had its troops drilled by foreign drill-masters; in short, that "directed and guided largely by that modest and able man, Mr. Hart," it has employed the revenues of China, derived from foreign commerce, in strengthening its military resources with the view, not, for the present at least, as the Hon. Mr. Burlingame and Tséng Kwo Fan intimate, to an aggressive war upon the West, but to an *armed resistance* against any further "interference in the internal affairs" of the country, *i. e.* against any further demands for "progress", on the part of Europe, and to the ultimate recovery, *by force of arms*, if necessary,—all "she [China] asks is, in a word, to be left

in allusion to the examination, mentioned by us above page 22, and note 1] "as well as in various other little affairs, the existence of the cruisers seems to have, for the moment, escaped his memory; and they have been left lying idle with crews clamoring to be paid off—an operation which, as they were still under the British flag, H. M. Consul was not in a position to allow...It appears to us that, both in the case of the fleet and the arsenals—as in the cases of the Chinese Mission and the new convention—Mr. Hart has been unable to resist the temptation to travel beyond his functions as Inspector-General of Customs into those political fields, which always, in Asiatic Courts, offer so strong attraction...Mr. Hart has not given evidence of great success in helping the cause of progress, which his envoy (Mr. Burlingame) has preached; and he would perhaps be wise to withdraw from the too prominent political position in which circumstances have placed him, while it is yet time".—It is no longer time,

perfectly free to enfold herself precisely in that form of civilisation of which she is most capable",—of her traditionary isolation. But, again, it is equally true, that an "Armstrong gun and Enfield rifle" anti-progressive and protective system can hardly be said to tend "to the benefit of the human race", of which the Burlingame Mission is represented to the public as the promise incarnate; and, although, besides Mr. Hart and the Hon. Mr. Burlingame, there may be men short-sighted or selfish and unscrupulous enough to encourage China in a policy, which, speaking in a political and military sense, ultimately must lead to and end in her defeat and humiliation, that no sane person will give her credit for the adoption of a manifestly suicidal course of action/

126. Passing on to another order of misrepresentations resorted to by the Hon. Mr. Burlingame, he claims credit to China for "the establishment at Peking of a College for Western Arts and Sciences." In a separate paper, appended to this "disclosure", it will be shown that such an establishment was never even so much as contemplated by the Chinese Government. It existed only in the deceptive imagination of Mr. Hart and his supporters, as a magnificent institution for throwing dust into the eyes of America and Europe. Credit, moreover, is to be given to China for her "adoption of Wheaton's International Law," and her "willingness to take its obligations for its privileges". We fear the Hon. Mr. Burlingame has attached much greater importance to the circumstance of an American being the compiler,¹ and another American (altogether ignorant of law) the translating epitomizer,—not "the translator",—of the code in question, than to its "adoption"

Time waits for no man; and Mr. Hart has allowed the moment, which might yet have saved him, to pass by.

¹ The original matter, contained in Wheaton's Treatise, constitutes its weakest part. A strong bias pervades the whole work. Even as a compilation, it has many defects. It abounds in errors. In reference to China, speaking of the more general adoption of the Western principles of International Law, the author observes (pp. 23—25): "The same remark may be applied to the recent diplomatic transactions between the Chinese Empire and the Christian nations of Europe and America, in which the former has been compelled to abandon its inveterate anti-commercial and anti-social principles, and to acknowledge the independence and equality of other nations in the mutual intercourse of war and peace".

by the Chinese Government. Nor has the Chinese Government ever proclaimed that adoption, or in any manner or way expressed its inclination, much less its willingness, to accept, even in principle, the Law of Nations, as it is understood in Europe. The only portion of "Wheaton", the obligations of which it is willing to take upon itself, are such portions as augment or strengthen its own privileges, and favour its own policy. Credit is claimed to China for her "permission to land a submarine telegraphic cable from Canton to Tientsin, to be taken from the coast to the open ports". "Mr. Burlingame", we are told in the "New York Herald" for September 9, 1869, "as well as his English and French secretaries of the embassy said over and over again, while they were here, that American companies could lay telegraph lines along the coast of China, and urged one American company, the East India Telegraph Company, to go on with its projected work without delay. Concessions for telegraphs in the interior may not have been granted yet, but, as Mr. Burlingame said, they would come in time". The Hon. Mr. Burlingame and his First Secretary, Mr. Brown, were fully aware that the united pressure of the Foreign Ministers at the Northern Capital, including the Hon. Mr. Burlingame himself, had failed to obtain the consent of China to so much as the proposed extension of the Russian telegraphic line from Kiachta to Peking; and that she had given no permission to "land" on Chinese soil any submarine telegraph-cable whatever. For the prolongation to Shanghai of the projected Hongkong cable, a terminal *swimming* station or hulk is proposed to be laid down in Shanghai harbour. *Lastly*, credit is claimed to China for "a survey of her coal-fields and mineral resources". We will relate the little "job", at the expense of China, to which the Hon. Mr. Burlingame here alludes, in his own official words. "I had the pleasure", he reports to the American Secretary of State¹, "in my last despatch, to inform you, in relation to the translation of Wheaton. I have now the honour to inform you that the Chinese Government have employed *our countryman*, Raphael Pumpelly, of Owego, N.Y., to make a scientific exploration of the country near Peking, with

¹ Papers relating to Foreign Affairs, Washington, Part iii, 1865, 8vo., p. 332.

particular reference to the discovery and development of coal-mines. Mr. Pumpelly had completed his engagement with the Japanese Government of a like nature, and *was on his way home, viâ Mongolia and Russia. It occurred to me to make an effort in the interest of science on his behalf, with the Chinese Government. . .* Fortunately the idea had entered Sir Frederick Bruce's mind, and he was but too happy to *aid me in getting Mr. Pumpelly in.* He mentioned it to Wensiang. . . I accompanied Pumpelly to the Foreign Office, where *the whole affair was arranged*". How utterly averse the Chinese Government, "directed and guided largely by that able man Mr. Hart", is to the opening of even the coal-mines of China, Rule viii. of the Rutherford Convention, virtually Mr. Hart's work, shows to evidence. All these points, as stated by the Hon. Mr. Burlingame, and upon which he claims credit for China, being the reverse of, or at variance with, truth and the real facts of the case: the real facts, on which his misrepresentations are founded, reflect discredit, instead of credit, on the Chinese Government.

127. A third class of misrepresentations, by which the Hon. Mr. Burlingame misleads the world in respect to China, are, so to speak, of the moral and religious order. China, he asserts, "after a great war, a war lasting through thirteen years, has come out of this war with no national debt". The "great war", here alluded to, are the Tai-ping and Nien-fei rebellions. The cause of rebellion, among "a loyal, a noble, a patient, a sober, an industrious people", must needs be—misgovernment. In China, rebellion has, for many centuries past, been a chronic institution of the land. The "one great idea, on which the Chinese built up their great structure of civilisation, viz., that the people are the source of power", is just, as the Hon. Mr. Burlingame states, "a sentiment",—a sentiment, which neither forbids the Government to look upon rebellion as a remedy for, or preventive against, too large an increase of the population, nor Chinese generals to regard it as a legitimate source of employment, power, and profit. Hence, every rebellion in China has been, and will continue to be, characterised by an unmistakeable tendency to protraction. Its cost is, comparatively speaking, about

the same as it would be elsewhere. But in China that cost does not assume the shape of a funded public debt; partly because the system is not known; partly because the public credit, on which it rests, is not enjoyed by the Government; but chiefly because, whilst in the West the cost of a war is paid for by the nation,—to whom, if necessary, individual citizens of wealth advance for the purpose and in the form of a loan the required sum, at a fair rate of interest,—in China the cost of a rebellion is, virtually, *not paid*. There lies the simple secret of the moral superiority of China, asserted by the Hon. Mr. Burlingame, in having “come out of a great war, lasting through thirteen years, with”—no national debt? with “no *funded* national debt”, he should have said. The difference is a material one. In the West, a national debt, so far as it has originated in a war, represents money, fairly, duly, and regularly paid for the equipment, the maintenance, the locomotion, the *matériel de guerre*, of armies and navies; for repair of losses sustained, and compensation for private, and improved restoration of public, property destroyed. In China, the army is always poorly and irregularly paid; frequently after years of arrear only; occasionally not at all: according to the state of the Chinese exchequer. Essentially, a war for the suppression of rebellion is made to support itself. The Chinese soldier is for his sustenance restrained to looting and pillaging; and so great, among the peasantry, is the fear of the Tatar regular troops, that a district, in times of trouble, will petition the authorities to be permitted to deal with the rebels itself. The destruction of private property is never compensated for; and since the days of Chien-Lung, the restoration of public property destroyed has not been thought of. Hence, for the last century past, the cost of rebellion in China has assumed the form of *devastation and ruin*; and the *national debt, contracted by China in this form, exceeds probably the national debts of England, the United States, France, Austria, and Russia, taken together*. So much for the asserted unindebtedness and

1 In a letter, for instance, composed by a Chinese official and scholar, at the time attached to the Yamén of Tsêng-Kuo-Fan, with the view of being addressed by the latter to Mr. Wade, there occurs the following passage: “The discourses of the present race of (foreign) teachers on religious matters, are all vapid, erroneous, shallow, and coarse, exhibiting their ignorance of the teachings of the Central State; and

higher financial morality of the Celestial Empire. China, however, the Hon. Mr. Burlingame goes on to assert, "invites your missionaries; she tells them to plant the shining cross on every hill and in every valley, for she is hospitable to fair argument". Possibly, he made this statement, which has induced a large immigration of American missionaries into the "rich and promising" fields of the Flowery Land, on the strength of his faith in Dr. Williams, and his own "Providential" character (87): it certainly is anything but in harmony with truth and the disposition of the Chinese Government. "*Free us of missionaries and opium, and China will be grateful to you*", were the last impressive words which Prince Kung addressed to Sir Rutherford Alcock, on the occasion of his recent farewell visit to the Tsung-li Yamén; and we can add, on unquestionable authority, that of the two, opium and missionaries, the latter are the more objectionable to the Chinese Government. Whether competent or "incompetent", it will have none of them. China, the Hon. Mr. Burlingame further states, "asks you to give to those treaties, which were made under the pressure of war, a generous and Christian construction". Does China, then, while raising her hand against our Christian missionaries, indeed appeal, for political objects, to the Christian compassion of the West? Wrapped up in her cold Confucian philosophy, and her colder pride, she *scorns* at Christianity¹; and, instead of appealing to the generous feelings of Europe,—"*with a menace on her lips*" (71-72), and arming herself for war, she calls insultingly upon her "vassals" to heed the coming of her messengers, and to obey her Imperial behests (37-73). China does not ask for, she provokes, justice. Let it be dealt out to her.

128. A fourth order of the Hon. Mr. Burlingame's misrepresentations partake almost of a ludicrous character. Thus, he states: "China tells you she is ready to take upon her ancient civilisation the graft of your civilisation"; and in the same breath: "She is

yet they doggedly refuse, in imitation of the Buddhists, to invite the aid of intelligent Chinese scholars, to put a fair face on their productions; but open their preaching halls, and pour forth endless vagaries, like a man in a dream. *There is no one, possessed of the least intelligence, who hears them, and whose belly does not shake with laughter*". ("The North-China Herald" for July 28, 1870.)

willing to give you what she thinks is her intellectual civilisation in exchange for your material civilisation". No doubt she is; if her Messenger be correct in saying that she "has her eyes wide open to the situation". We apprehend, however, that even "the youngest nation" has declined the "exchange", and strongly recommended to China the "grafting" process, although she be "the land of scholars"; Chinese "scholarship" consisting firstly, in a more or less indifferent knowledge of the Chinese language, and, secondly, in the faculty to recite mechanically a certain quantity of words from, and to place the finger upon any given passage in, the Chinese Scriptures. Such scholarship being "made the test of merit" by the Chinese people, and "the power going forth from that people, through the competitive system, into practical government": why, the cause of traditional *misgovernment* of China can hardly be considered a mystery any longer. "The country", however, the Hon. Mr. Burlingame informs the West, "is open, and you may travel for pleasure and trade where you like". He must be a hardy man, indeed, and one possessed of a peculiar physical constitution, strange culinary tastes, and barbarous ideas of decency and comfort, who would for pleasure travel in the Flowery Land. In going from Peking to the neighbouring Western Hills, your life is occasionally imperilled by a sudden torrent of angry waters rushing down into the plain; nay, during a heavy thunder-storm, people are now and then drowned in the flooded "streets" of the Capital itself. To a certain extent it is not untrue, that *travel for trade* in the interior of China the foreign merchant may; but it is equally true that *trade* in the interior he may not: this is "the complaint he has to make" not "of China", but of the Chinese Government; and so far is it from "offering almost free trade" to the West. The tea and silk of China form no more "the great staples of the Earth", except in the Hon. Mr. Burlingame's stump-oratory, than "she (China) feels the spark from the electric telegraph falling hot upon her on all sides". It is simply amusing, when in his New York speech he states: "Our first duty is to thank you for this cordial greeting, to say to you that it is not only appreciated by us, but that it will be *appreciated by the distant people whom we represent*"; and still more so, when in a

similar strain he writes to Count von Bismarck: "The more than official courtesy, extended by His Majesty the King of Prussia to the Mission, and the ever-recurring kindness of which it has been the recipient at the hands of Her Majesty the Queen, will be remembered not only with gratitude by every member of the Mission, but will *excite a lively sense of obligation in the breasts of the Chinese people*". Why, of the entire population of China, there are not a hundred persons, who will ever hear of either the sayings or doings of the "envoy of Chinese empire to treaty powers" (6); and among them there is not one, who will not secretly *sneer* at the attentions which the European Courts have shown to the Burlingame Mission.

129. Bearing in mind the preceding explanations and the facts anteriorly brought to light, the reader may wish to once more peruse the now famous speech of June 23, 1868, delivered by the Hon. Mr. Burlingame at New York, and in which most of the points, here animadverted upon, are either fully stated or else alluded to by him. We therefore reproduce it, as reported in the newspapers of the day. "Mr. Burlingame spoke as follows:—

"Our first duty is to thank you for this cordial greeting, to say to you that it is not only appreciated by us, but that it will be appreciated by the distant people whom we represent—(applause)—to thank you for this unanimous expression of good-will on the part of the great city of New York, to thank you that, rising above all local and party considerations, you have given a broad and generous welcome to a movement made in the interest of all mankind. (Applause.) We are but the humble heralds of this movement. It originated beyond the boundaries of our own influence, and has taken dimensions beyond the reach of our most ardent hopes. That East which men have sought since the days of Alexander now itself seeks the West. (Cheers). China, emerging from the mists of time, but yesterday suddenly entered your western gates, and confronts you by its representatives here to-night. What have you to say to her? She comes with no menace on her lips; she comes with the great doctrine of Confucius, uttered two thousand three hundred years ago, 'Do not unto others what you would not have others do unto you.' Will you not respond with the more positive doctrine of Christianity? 'We will do unto others what we would have others do unto us'. (Cheers.) She comes with your own international law; she tells you that she is willing to come into relations of accord with it; that she is willing to abide by its provisions; that she is willing to take its obligations for its privileges; she asks you to forget your ancient prejudices; to abandon your assumptions of superiority; to submit your questions with her, as she proposes to submit her questions with you—to the arbitrament of reason. (Applause.) She wishes no war, she asks of you not to interfere in her internal affairs; she asks you not to send her

incompetent teachers ; she asks that you will respect the neutrality of her waters and the integrity of her territory ; she asks, in a word, to be left perfectly free to unfold herself precisely in that form of civilisation of which she is most capable ; she asks you to give to those treaties, which were made under the pressure of war, a generous and Christian construction. (Cheers.) Because you have done this, because the Western nations have reversed their old doctrine of force, she responds, and in proportion as you have done that, in proportion as you have expressed your goodwill, she has come forth to meet you ; and I aver that there is no spot on this earth where there has been greater progress made within the past few years than in the empire of China. (Applause.) She has expanded her business ; she has reformed her revenue system ; she is changing her military and naval organisations ; she has established a great school, where modern science and the foreign languages are to be taught. (Cheers.) She has done this under very adverse circumstances ; she has done this after a great war, a war lasting through thirteen years, a war out of which she comes with no national debt. (Laughter and applause.) You must remember how dense is her population ; you must remember how difficult it is to introduce radical changes in such a country as that. The introduction of your own steamers threw out of employment 100,000 junk-men ; the introduction of several hundred foreigners into her civil service embittered, of course, the ancient native employes. The establishment of a school was firmly resisted by a party led by one of the greatest men of the empire. Yet, in defiance of all this, in spite of all this, the present enlightened Government of China has advanced steadily along the path of progress—sustained, it is true, by the enlightened representatives of the Western Powers, at Peking ; directed and guided largely by a modest and able man, Mr. Hart, Inspector-General of Customs, at the head of foreign employes in the Empire of China.¹ Yet, notwithstanding all these things, notwithstanding this manifest progress, there are people who will tell you that China has made no progress, that her views are retrograde, and they tell you that it is the duty of the Western Treaty Powers to combine for the purpose of coercing China into reforms which they may desire, and which she may not desire ; who undertake to say that these people have no rights which we are bound to respect. In their coarse language they say, “Take her by the throat”, using the tyrant’s plea ; they say they know better what China wants than China herself does. Not only do they desire to introduce new reforms born of their own interests or of their own caprices, but they tell you that the present Ministry must fall, and that the whole structure of China’s civilisation must be overthrown. I know that these views are abhorred by the

¹ This statement rests on an error. Mr. Hart is, nominally if not legally, at the head of the employes in the Foreign Maritime Customs-service of China ; by no means at the head of foreign employes in the Chinese Empire, generally. The latter is a position, Mr. Hart’s imagination occasionally usurps ; but which in reality he is more than unlikely ever to attain.

² If the Hon. Mr. Burlingame had said : “until their knowledge has become with it a dead letter” he would have stated the truth.

³ It is probably to the illustrated Encyclopædic Collection, entitled 古今圖書集成, printed with movable copper types in the reign of Chien-Lung, and com-

Governments and the countries from which they come, but they are far away from their countries; they are active, are brave, are unscrupulous, and if they happen to be officials it is in their power to complicate affairs, and to involve their countries in war. Now, it is against the malign spirit of this tyrannic element that this mission was sent forth to the Christian world; it was sent forth that China might have her difficulties stated. That I happen to be at the head of it is, perhaps, more an accident than any design; it is, perhaps, because I happened to be longer there than any of my colleagues; it is, perhaps, because I was about to leave; and, perhaps, more than that, because my humble name was associated with the establishment of the co-operative policy, which, in conjunction with abler men, I aided in establishing not many years ago. I desire that the autonomy of China may be preserved; I desire that her independence may be preserved; I desire that she may have equality, that she may dispense equal privileges to all nations. If the opposite school should prevail, if you are to use coercion against that great people, then who is to exercise the coercion? whose force are you to use? whose views are you to use? You see that the very attempt to carry out any such tyrannic policy would involve not only China, but would involve you in bloody wars with each other. There are men of that tyrannic school who say that China is not fit to sit at the council board of the nations who call them barbarians, who attacked them on all occasions with a bitter, unrelenting spirit. These things I utterly deny. I say, on the contrary, that that is a great and noble people. (Cheers.) It has all the elements of a splendid nationality. It is the most numerous people on the face of the globe. It is the most homogeneous people in the world. It has a language spoken by more people than any other language in the world. It is a country where there is a greater unification of thought than in any other country in the world. It is a country where the maxims of the great sages, coming down and memorised, have permeated the whole people, until their knowledge is rather an instinct than an acquirement²; a people loyal while living, and whose last prayer, when dying, is to sleep in the sacred soil of their fathers. (Applause). It is the land of scholars; it is the land of schools; it is the land of books—from the simple pamphlet up to encyclopædias of 5,000 volumes³; it is the land where privileges are equal; it is the land without caste, for they destroyed their feudal system 2,100 years ago, and they built up their great structure of civilisation on one great idea—that the people are the source of power. (Great cheering.) It is a sentiment that was uttered by Mencius 2,100 years ago, and it was old when he uttered it. The power goes forth from that people into practical government through the competitive system,

prising 10,000 books, that the Hon. Mr. Burlingame alludes. The matter, contained in the work, is equal to about one thousand of our library-edition octavo volumes. There exists in China no second Encyclopædia of anything like a similar extent. Possibly the Hon. Mr. Burlingame, who possesses, himself, no knowledge of either the language or the literature of China, may have heard also of the *永樂大典*, a collection of the substance of Chinese literature at the commencement of the 15th century, in 22,937 books, completed in manuscript in 1407, and intended for publication, but never published. Only one imperfect transcript is supposed still to exist in the Imperial Palace at Peking, but in what condition is not known.

and they make scholarship a test of merit. (Applause.) I say it is a great people ; it is a polite people ; it is a patient people ; it is a sober people ; it is an industrious people ; and it is such a people as this that the bitter boor would exclude from the council hall of the nations ; it is such a nation as this that the tyrannical element would put under its ban. They say of this people, nearly one half of the human race, that they must become the weak wards of the West—wards of nations not so populous as many of their provinces, wards of people who are younger than their newest village in Manchuria. I do not mean to say that the Chinese are perfect. Far from it. They have their faults, like other people. They have their pride, like other people. They have their prejudices, like other people. These are profound, but they must be overcome. They have also their conceits, like other people ; these must be done away. But they are not to be done away by talking to the Chinese with cannon ; by telling them that they are feeble—that they are barbarians. No. China has been cut off by her position from the rest of the world. She has been separated from it by limitless deserts and by broad oceans ; but now, when the views of men have so expanded that we behold the very globe itself diminishing in size,—now, when science has taken away the desert, and has narrowed the ocean, China, seeing another civilisation approaching on every side, has her eyes wide open to the situation. She sees Russia on the north, Europe on the west, America on the east. She sees clouds of sails on her coast, she sees mighty steamers coming from everywhere ‘bow on’. (Laughter and applause.) She feels the spark from the electric telegraph falling hot upon her on all sides, and she rouses herself, not in anger, but for argument. (Applause.) She says that she finds that by not being in a position to compete with the other nations for so long a time she has lost ground. She comprehends very well that she must come into relations with the civilisation which is pressing all around her ; and comprehending that, she does not wait to be approached, but comes out and extends to you her hand. She tells you she is ready to take upon her ancient civilisation the graft of your civilisation. She tells you she is ready to take back her own inventions, with all their developments. She tells you that she is willing to trade with you, to buy of you, to sell to you, to help you to strike off the shackles from trade. She invites your merchants, she invites your missionaries ; she tells them to plant the shining cross on every hill and in every valley, for she is hospitable to fair argument. I say she is willing to strike off the shackles from trade. She offers you almost free-trade to-day. Holding the great staples of the earth, tea and silk, she charges you scarcely any tariff on the exports you send out in exchange for them. She is willing also to meet the inferior questions that have been raised respecting transit dues ; and if you will only have patience with her and right reason, she will settle those questions to your satisfaction. The country is open, and you may travel for pleasure and trade where you like. What complaint, then, have you to make of China ? Show her fair play, and you will bless the toiling millions of the world. That trade, which, in my own day in China, has increased from 82,000,000 dols. to 300,000,000 dols., is but a tithe of the enormous trade that may be carried on with China in the future. Let her alone, then. Leave her her independence. Let her develop herself in her own time and in her own way. She has no hostility to you. Let her

do this and she will initiate a movement which will be felt in every workshop in the civilised world. She says to you now, 'Send us your wheat, send us your lumber, send us your gold, send us your silver, send us your goods; we will take as many of them as we can, and give you' in return our tea, our silk, and our free labour, which we have already sent out so largely throughout the world—which has already overflowed upon Siam, upon Singapore, upon Manila, upon Peru, upon Cuba, upon Australia, upon California'. All China asks is that you will be as kind to her *nationals* as she is to your *nationals*. She asks simply that you do her justice. She is willing not only to exchange goods with you but thoughts also. She is willing to give you what she thinks is her intellectual civilisation in exchange for your material civilisation. Let her alone, and the caravans on the roads of the north, toward Russia, will swarm in larger numbers than ever before. Let her alone, and that silver which has been flowing for hundreds of years into China, losing itself like the lost rivers of the West, but which yet exists, will come out into the affairs of men. Let her alone, and those great lines of steamers, the Peninsular and Oriental, and Messageries Impériales, may multiply their tonnage many times; and your own great line, the pride of New York, the Pacific Mail, may increase their tonnage tenfold; and they will still, as at present, have to leave their freight upon the wharves of Hongkong and Yokohama. The imagination kindles at the future which may be, and which will be, if you will be fair and just to China".

We may, we think, state without hesitation, that no representative of "a great nation" has ever delivered a public speech so abounding in wilful misrepresentations and empty declamation; so cunningly devised to mislead distant public opinion and the action of far-away statesmen; so deceptive in spirit no less than in tone, as is this speech of the Hon. Mr. Burlingame's. What adds to its guilt is, that the speaker was the hired servant of a foreign, corrupt, semi-barbarous, and usurping Government; that, *solely in the dynastic interests of that Government*, he used his oratorical efforts both against the national interests of the people which he pretended to represent, and of his own country which he pretended to serve; and that with nothing but falsehood on his lips and guile on his brow, he imputes to honest men, who mean well by China, a tyrannic policy and destructive views of his own invention, in order that he may hold them up to the *abhorrence* of the West and the Governments of the West. Why should the fall of the present Tatar Ministry—a fall at which three hundred and ninety-eight out of the four hundred million souls of the Chinese population would rejoice—necessarily overthrow the whole structure of Chinese

civilisation? Why should, with the progress of intellect, industry, domestic comfort, and national prosperity in China, the autonomy of the empire not be preservable? Why should the urging of those public blessings upon an incapable and selfish Tatar Government necessarily "involve us in bloody wars with each other"? Bah! the logic of the Hon. Mr. Burlingame is that of his friend—*arcades ambo*—the confidential adviser of the Tsung-li Yamên, Mr. Hart: *it is the logic of sycee silver*. The West is willing enough to be fair and just to China, provided that China be willing to be fair and just to the West; and China is thus willing: for, let not the West fall into the fatal error of identifying China with her present Government; nor, listening to the watchword of its mercenaries "Leave her alone!",¹ imagine the watchword of hired foreigners to be the voice of the Chinese people. If the present Government, deaf alike to argument, reason, and necessity, should persist in placing itself, like a huge piece of rotten lumber, between the national interests and the national will of China, on the one hand, of America and Europe on the other, we, for one, are of opinion, that it not only will be the right, but that it will become the duty, of the West, in the roaring sounds of "the Armstrong gun", to thunder into the ear of that hard-hearing and obstructive Government: 去罷, *Begone! thy time is past*. And China, from one end to the other of her vast domain, would hail the thunder, announcing her freedom from the hated rule of the Tatar, and welcome her Western deliverer, with the joy of regained liberty.

¹ Compare the notes 2 to page 6, and 4 to page 17, above.

§ 14.

RECEPTION OF THE MISSION AT WASHINGTON.

130. Although the success of the Burlingame Mission, as such, had been virtually insured at Peking by the adherence to it of the British Minister, Sir Rutherford Alcock, there yet remained, apart from the Letter of Credence and the diplomatic powers of the Mission, serious obstacles in the way of its reception by the President of the United States—obstacles so serious, in our judgment, that even when the first telegraphic news of that reception having actually taken place arrived in “the Northern Capital”, we continued unwilling, from the confidence we placed in the statesmanship of the Hon. William H. Seward, the then American Secretary of State for Foreign Affairs, and the importance he is said to attach to the upholding of public principles, to credit the reported fact. For, in the first place, admittance to the presence of the Emperor of China being refused to the Representative of the United States in Peking, except under ceremonies not only individually derogatory to the honour and self-esteem of an American citizen, but involving the distinct acknowledgement by the American people as represented in his person, of the universal sovereignty of “the One Monarch of the Earth”, the official reception of the messengers of the latter, by the Chief Magistrate of the Great American Republic, equally constituted such an acknowledgment, *i.e.*, an acknowledgment of the Chinese vassalage of the United States. In the second place, the Hon. Mr. Burlingame, in accepting the service of a foreign Power, without the sanction of his Government, had acted in opposition to one of the special provisions of the American Constitution. In the third place, his functions and powers as the Representative of the United States, ceasing only on the acceptance of his resignation by the American Government, he had, *as the*

*Representative of the United States*¹, undertaken to represent China abroad, and thereby placed not only himself, but the United States Government as well, in a false position. And, in the fourth place, the Hon Mr. Burlingame, in suddenly resigning his post as the Representative of the American people, and, in consideration of high pecuniary pay, accepting a similar position under the very Government to which he had been accredited, set an example, and, if approved of, established a precedent, the obvious tendency of which is to demoralize the entire diplomatic service of the United States, and to expose the national interests to constant and inappreciable dangers. What added to the gravity of these considerations was the incredible character of the account, which the Hon. Mr. Burlingame had officially given to the American Government of the origin of his Mission; the fact that he had "resigned" (or rather tendered the resignation of) "his commission as envoy extraordinary and minister plenipotentiary from the United States to China",—it is true immediately after, yet—after the Imperial Rescript, appointing him "Envoy of Chinese Empire to Treaty Powers" had been issued (23 A comp. 6) and accepted by him; that it was only on the next following day he had informed his Government of that appointment (6); that in his subsequent despatch he had misled the American Secretary of State both as to the rank and the position of his native co-envoys; and that he had preferred the extraordinary claim to be "permitted to request the Government most earnestly not to name his successor until he could give it information, which might be useful in making a selection". There can, it appears to us, be no doubt but that, had not every state principle been set aside in this case, it would have been the duty of the American Government to take the advice of the Attorney-General of the United States upon the conduct of the Hon. Mr. Burlingame, instead of lightly "relieving

¹ "The mission of a foreign minister resident at a foreign court, or at a congress of Ambassadors, may terminate during his life in one of the following modes :—1. By the expiration of the period fixed for the duration of the mission; or, where the minister is constituted *ad interim* only, by the return of the ordinary minister to his post. In either of these cases a formal recall is unnecessary. 2. When the object of the mission is fulfilled, as in the case of embassies of mere ceremony; or, where the mission is special, and the object of the negotiation is attained or has failed. 3. By the recall of the minister. 4. By the decease or abdication of his own sovereign,

him from his embarrassments" in the name of "the American people", and admitting the Mission to an official audience of the President, insulting alike to the Capitol and the American nation.

131. Can the grounds, which must be supposed on this occasion to have guided the action of so highly reputed a statesman and diplomatist as the Hon. William H. Seward, have been commensurate with the sacrifice of principle in question? We are not initiated in the mysteries of American politics. In his despatch of December 14, 1867, to the United States Government (6), the Hon. Mr. Burlingame says: "I limit myself in this note to the above brief history of the mission, *reserving my reasons for accepting it to a personal interview at Washington*". Did, then, "the interests of our country and civilisation", which he had telegraphically assigned, not constitute those reasons? Surely, the new Celestial envoy was not sanguine enough to expect that,—however satisfactory to himself individually,—"the rate of pay of £8000 a-year, fixed" as a reward for his "change of character" by the Inspector-General of Chinese Maritime Customs, would by the American Government be deemed a tenable justification for setting an example to the Representatives of the United States abroad, to use their public position for the attainment of personal ends and advantages, and to sell, at the first favorable moment, their "representative character" to the highest bidder. Or were there secret inducements held out by the Hon. Mr. Burlingame, in his capacity of Chinese envoy, to the American Secretary of State, sufficiently tempting to outweigh all and every consideration of principle? The last paragraph of Article i. of the Supplementary Treaty, concluded by the Mission "between the United States and the Ta Tsing Empire", on July 28, 1858, contains a somewhat obscure, or else very cautious, allusion to a possible future cession of "tracts of land in

or the sovereign to whom he is accredited...4. When the minister, on account of any violation of the law of nations, or any important incident in the course of his negotiation, assumes on himself the responsibility of declaring his mission terminated. 6. When, on account of the minister's misconduct or the measures of his government, the court at which he resides thinks fit to send him away without waiting for his recall. 7. By a change in the diplomatic rank of the minister".—*Henry Wheaton, Elements of International Law*, 2nd ed. annotated by Mr. Lawrence, London 1864, 8vo., pp. 424—438.

China" to the United States. Whether the reception of the Hon. Mr. Burlingame at Washington had any connection with this subject, we know not. There is, however, some probability in favor of the hypothesis. On the one hand the policy of the American Government appears by no means to partake of a restrictive character as to further territorial acquisition and incorporation¹; and, on the other hand, we have reason to know that the Chusan Archipelago, from its commanding position, had attracted the special attention of the Hon. Mr. Burlingame previously to his departure from Peking, while two geographical points of almost equal interest to him were Formosa and Macao. Of the latter colony, securing to the Portuguese, as it does, a footing on the mainland of China, the Celestial Government has long desired to dispossess its present occupants. It, therefore, offered an admirable opportunity for the United States to show their disinterested friendship, and for the Hon. Mr. Burlingame to give another proof of his "enduring" devotion to China, by bringing about a transfer of the colonial possession of Macao from Portugal to the North-American Republic, in order that it might first be thoroughly cleared of that abomination, the coolie trade, and, *thereafter*, be handed over, as a purified jewel, to the Celestial Government. Negotiations, with this view, were, if we are not misinformed, actually entered into; but somehow they came to the ear of the Foreign Ministers in Peking, and subsequently were heard of no more.

132. But whatever may have been the reasons which influenced the Hon. Mr. Seward, despite of the special objections to which we have called attention (130), in granting to the Chinese Mission an

1 "Comprehensive national policy would seem to sanction the acquisition and incorporation into our federal Union of the several adjacent continental and insular communities as speedily as it can be done peacefully, lawfully, and without any violation of national justice, faith or honor. Foreign possession or control of those communities has hitherto hindered the growth and impaired the influence of the United States.....I am aware that upon the question of further extending our possessions it is apprehended by some that our political system cannot successfully be applied to an area more extended than our continent; but the conviction is rapidly gaining ground in the American mind that, with the increased facilities for intercommunication between all portions of the Earth, the principles of free government, as embraced in our constitution, if faithfully maintained and carried out, would prove of sufficient strength and breadth to comprehend within their sphere and influence the

official introduction to the President of the United States, the reception, assuredly, would not have taken place, had the American Government been made truly acquainted with the general merits and bearings of the case. The diplomatic history of that reception is recorded in the "Papers relating to Foreign Affairs",² from which we transcribe the following documents. The announcement of the arrival of the Mission, it will be observed, is made quite in the theatrical style, and in admirable keeping with its character.

THE CHINESE EMBASSY to Mr. SEWARD.

WASHINGTON, JUNE 2, 1868.

The undersigned, having been commissioned by his Majesty the Emperor of China, Anson Burlingame, of the first Chinese rank, envoy extraordinary and high minister plenipotentiary, and Chih Kang and Sun Chia Ku, of the second Chinese rank, associated high envoys and ministers respectively to the United States of America, have the honor to announce their arrival in those characters. A copy of their credentials is inclosed, and they will thank the Secretary of State to cause a time to be named for them to deliver the original to the President of the United States.

The undersigned avail themselves of this occasion to offer to the Secretary of State the assurance of their most high consideration.

ANSON BURLINGAME.

CHIH KANG.

SUN CHIA KU.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

A.

His Majesty the Emperor of China salutes the President of the United States!³

In virtue of the commission we have with reverence received from Heaven, and as China and foreign nations are members of one family, we are cordially desirous of placing on a firm and lasting basis the relations of

civilized nations of the world"—The President's Message, Dec. 9, 1868; Papers relating to Foreign Affairs, Washington, Government Printing Office, 8vo., Part i, pp. 14, 15.

² Papers relating to Foreign Affairs, Washington, 1868, 8vo., pp. 601—4.

³ This translation of the Letter of Credence is identical with Mr. Brown's version, as given above, p. 66. We possess no transcript of the American exemplar in the original Chinese. If the simple title of "President of the United States" has here been accorded to the Chief Magistrate of the North-American Republic, it *proves* that the additional predicate of 大皇帝 in a former letter (p. 15), was given in derision. If it has been inserted also in the Letter of Credence, Mr. Brown has omitted it in the translation, in order to keep the ludicrous titular designation of "The Great Exalted Monarch (and Highpriest) the Lord Li-s'i-t'ien-tō of the United States" out of sight. For the true rendering of the Letter of Credence see p. 65 above.

friendship and good understanding now existing between us and the nations at amity with China, and as a proof of our genuine desire for that object we have specially selected an officer of worth, talents, and wisdom, Anson Burlingame, late minister at our capital for the United States of America, who is thoroughly conversant with Chinese and foreign relations, and in whom, in transacting all business in which the two Empires of the United States and China have a common interest, we have full confidence as our representative and the exponent of our ideas.

We have also commissioned Chih Kang and Sun Chia Ku, high officers with the honorary rank of the second grade, to accompany Mr. Burlingame to the United States, where Mr. Burlingame, with the two so appointed, will act as our high minister extraordinary and plenipotentiary.

We have full confidence in the loyalty, zeal, and discretion of the said three ministers, and are assured they will discharge satisfactorily the duties intrusted to them, and we earnestly request that the fullest credence and trust may be accorded to them, that thereby our relations of friendship may be made permanent, and that both nations may enjoy the blessings of peace and tranquillity, a result which we are certain will be deeply gratifying.

Dated the sixth day of the twelfth moon of the sixth year of our reign, (December 31, 1867.)

TUNG CHIH.1

Translated by J. M. L. Brown,
First Secretary of Chinese Mission.

1 Of this signature we shall presently speak (art. 133).

2 The introductory formula, which in our translation p. 165 has been accidentally omitted, is the usual one (pp. 35, 42, etc.) : abbreviated it reads : "Prince Kung and the Ministers of the Board for the General Control of Individual (Tributary) States' Affairs convey the following instruction". Compare Note 2, p. 166.

3 The text says nothing of "the Yamun".

4 "The United States and other Ministers" are absent in the text.

5 See Note 3, p. 166, above.

6 Mr. Brown omits the words, rendered by Dr. Williams : "formerly Minister from the United States", and which actually read : "*the former agent of the (Tributary) Mey State (the United States)*", as one of the Tributary "Outer States" of the Ta Ching Empire Universal. Comp. Note 4, p. 166.

7 Instead of "Members of the Foreign Office", the text has : "connected with this Board"; comp. Note 5, p. 166. It speaks of *supernumerary clerks*.

8 Instead of "*his high ministers*", for which even Dr. Williams has only "his envoys", the text reads : "as envoys of the (governing) Central State".

9 The text, instead of "the treaty powers", has : "*the various (Tributary) States bound by treaty*".

10 The text has not a trace of "with authority". Like Dr. Williams, Mr. Brown confers, of his own authority, that "authority" upon the Mission; the former translator further falsifying the text, by taking the words : "imperial decrees" out of their proper place, and arbitrarily adding the sentence : "(the imperial decrees) conferring this authority". Comp. Note 10, p. 166.

11 Instead of : "to transact all business, in which those countries and China have a common interest", for which Dr. Williams has : "to manage whatever affairs may arise between those countries and this", the Chinese text reads : "for the management

Translation approved.

S. WELLS WILLIAMS.

U. S. Chargé d'Affaires ad interim.

ROBERT HART,

Inspector-General of Imperial Chinese Maritime Customs.

W. A. P. MARTIN,

Professor of Hermeneutics, and Translator of the Imperial Foreign College, Peking.

B.

The Prince of Kung makes a communication :— 2

The *yamun*³ has already, as the records show, respectfully copied and forwarded to the United States and other ministers⁴ the Imperial decrees by which his Majesty the Emperor⁵ has specially appointed Mr. Burlingame⁶ and with him Chih-Ta-Chên and Sun-Ta-Chên, members of the Foreign Office,⁷ his high ministers,⁸ to proceed to the treaty powers⁹ with authority¹⁰ to transact all business in which those countries and China have a common interest.¹¹ In regard to this appointment of three ministers at the same time, the Prince of Kung begs to explain fully the reasons for this action on the part of the Chinese government,¹² so as to anticipate any apprehensions the foreign representatives in Peking¹³ might have, that hereafter, when business has to be transacted with the several governments to which the three ministers are accredited,¹⁴ there is to be no distinct precedence and subordination between them.¹⁵ It is the usage, the Prince is aware¹⁶ among all the

of such business as has arisen out of the commercial intercourse between the (governing) Central (State) and the (dependent) Outer (States)". Both the versions of Mr. Brown and Dr. Williams are wilful mistranslations, the object of which is, in connection with the terms "high ministers", and "with authority", superadded to the text, to apparently and falsely confer those general powers on the Mission, which had not been conferred on it by the Chinese Government.

¹² Mr. Brown has treated the whole of this sentence in a strange fashion, and with extraordinary freedom, completely dislocating and distorting the text. The expression "*the Chinese Government*", corresponding to Dr. Williams' "*his Majesty*", refers to the term: "*the (directing) Central State*",—as having simultaneously appointed three envoys,—which occurs in the text. (Comp. also Note 12, p. 167).

¹³ Instead of "*the foreign Representatives in Peking*", for which Dr. Williams has: "*the foreign ministers in this capital*", the text reads: "*the Individual (Tributary) States' envoys, who are temporarily sojourning in the Capital*", namely, the Capital of the Ching Empire of the World.

¹⁴ Instead of: "when business has to be transacted with the several governments to which the three ministers are accredited", for which Dr. Williams has: "in conducting affairs with those nations", the text reads, how the three envoys "are to manage their Individual-State-business", i. e. the business of each separate Tributary State, to which they are sent.

¹⁵ The text contains absolutely not so much as an allusion to any apprehension, on the part of the Foreign Ministers in Peking,—the assumption is ludicrous in itself—that "*there should be no distinct precedence and subordination between them* (the three Chinese envoys)", or, as Dr. Williams expresses it, "that neither of them was to take the lead". The words cited are simply the invention of Mr. Brown (and Dr. Williams respectively). ¹⁶ "The Prince is aware", is an addition of Mr. Brown's.

great western powers,¹ when peaceful relations exist between them, to send diplomatic representatives, each to the other; and as relations of friendship and amity have now existed between the United States and China for some years,³ this country ought ere this to have sent to the United States⁴ an envoy⁵ with diplomatic function;⁶ but the taking of this step has been hitherto delayed because China⁷ has not been acquainted with the languages and customs of foreign nations.⁸ When, however, Mr. Burlingame, a minister who is just in his dealings and agreeable in intercourse⁹ and who is thoroughly acquainted with China and foreign nations,¹⁰ and in whom the Chinese government on its part has always had full confidence,¹¹ expressed his willingness to act in this

¹ Instead of "among all the great western Powers" the text reads: "the several Western (Tributary) States", here in question.

² Instead of: "to send diplomatic representatives each to the other", or, as Dr. Williams has it, "to appoint envoys to go to each other's country", the text reads simply: "to mutually appoint (*Public*) Messengers". Dr. Williams superadds on his own authority: "to attend to any affairs that may arise".

³ Instead of: "and as relations of friendship and amity have now existed between the United States and China for some years", for which Dr. Williams has: "during the many years that peace has existed between your honorable country and this", the text reads: *your honorable (Tributary) State having for years past been at (due obedient) concord with the (governing) Central State*". The impression, conveyed by both the versions of Mr. Brown and Dr. Williams, as though the text spoke of two independent countries, at peace with each other, is an utterly erroneous one. Comp. (25) p. 46.

⁴ Instead of: "this country ought ere this to have sent to the United States", for which Dr. Williams has: "it would have been proper for His Imperial Majesty to have, at a much earlier period commissioned", the text reads simply: "we should before this have appointed".

⁵ Instead of: "an envoy", for which Dr. Williams has: "a high officer" the text reads: "officials" of a certain rank, such *f. i.* as Pin (Note 6, p. 10, above) and men of his class.

⁶ Instead of: "with diplomatic function", for which Dr. Williams has: "to go there for the purpose of representing him (His Majesty) and to attend to any affairs arising between us", the text reads: "to proceed thither for the management of interstate matters".

⁷ The word "China" does not appear in the text of the original.

⁸ For "foreign nations", which Dr. Williams also gives, the text reads: "the various (*Tributary*) States".

⁹ Instead of: "a minister, who is just in his dealings and agreeable in intercourse", for which Dr. Williams has: "a man of honor and peace", the text reads: "an impartial, straightforward, and peaceably disposed man". Comp. Note 24, p. 167.

¹⁰ Instead of: "with China and foreign nations", for which Dr. Williams has: "with our intercourse and relations with other countries", the text reads: "with the relations of the (*governing*) Central (State) and the (*Tributary*) Outer (States)".

¹¹ Instead of: "and in whom the Chinese Government on its part has always had full confidence", for which Dr. Williams has: "—one, too, with whom the officers of this government have long had acquaintance and confidence", the text reads: "and as he, moreover, enjoys the confidence of the (*governing*) Central State".

matter for China,¹² his Imperial Majesty, moved by a memorial on the subject, appointed him to be his high minister, to proceed to all the treaty powers,¹³ and Messrs. Brown and de Champs to be first and second secretaries respectively, to aid in performing the duties of the legation.¹⁴ His Majesty in this appointment charged Mr. Burlingame, assisted by his secretaries with the exclusive control and responsibility of the business of the mission.¹⁵

But if no Chinese high officers¹⁶ had been sent, this country¹⁷ would have remained as unacquainted as before with the duties of diplomatic representation.¹⁸ His Majesty was, therefore, further requested¹⁹ to appoint Chih-Ta-Chên and Sun-Ta-Chên high ministers²⁰ to accompany Mr. Burlingame.²¹ This step²² not only shows the genuine feelings of

¹² Instead of: "expressed his willingness to act in this matter for China", for which Dr. Williams has: "is willing to act on behalf of China in attending to her interests", the text reads: "is willing to act for the (governing) Central State".

¹³ Instead of: "his Imperial Majesty, moved by a memorial on the subject, appointed him to be his high minister, to proceed to all the treaty powers", for which Dr. Williams has: "a memorial was presented to His Majesty requesting that he might be appointed imperial commissioner to all the treaty powers", the text reads: "we have memorialised the Throne praying that he might be appointed to proceed to the various (Tributary) States bound by treaty, in the capacity of an Imperial envoy". It neither states that the Emperor appointed the Hon. Mr. Burlingame in the capacity of "an Imperial envoy"; nor that he was appointed "the Emperor's high minister".

¹⁴ Instead of: "(His Imperial Majesty appointed) Messrs. Brown and de Champs to be first and second secretaries respectively, to aid in performing the duties of the legation", for which Dr. Williams has: "and that Messrs. Brown and Deschamps might be also appointed, to be first and second secretaries of legation, to aid him in conducting his duties and accomplishing its purposes", the text reads: "with Pö and Tö for first and second secretaries, to attend to the matters in question". There is not a word said of "aiding in conducting the duties of the Legation", and the corresponding sentence in the original applies, not to the secretaries Pö and Tö alone, but to the Hon. Mr. Burlingame, or else to him and his secretaries conjointly. The latter were not appointed by the Emperor (Imp. Rescript C, p. 41).

¹⁵ We shall speak of this paragraph presently. It is not in our text.

¹⁶ Instead of: "Chinese high officers", or, as Dr. Williams has it: "high officers from China", the text reads: "officials" (of a certain rank, Note 6, p. 10) "of the (governing) Central State".

¹⁷ The words "This country" are not in the text of the original.

¹⁸ Instead of: "the duties of diplomatic representation", for which Dr. Williams has: "the necessary details to be qualified to receive the post of envoy", the text reads: "Mission-matters".

¹⁹ Instead of: "His Majesty was therefore further requested", for which Dr. Williams has: "and this consideration induced the Foreign Office again to request his Majesty", the text reads: "Hence, we further memorialised the Throne, praying...".

²⁰ Instead of: "high ministers", for which Dr. Williams has: "his imperial commissioners", the text reads: "Imperial envoys".

²¹ Instead of: "to accompany Mr. Burlingame", for which Dr. Williams has, for once correctly: "to go at the same time", the text reads: "to proceed simultaneously".

²² Neither "this step", nor, as Dr. Williams has it, "this arrangement" are in the text.

friendship existing,¹ but will also give these high officers an opportunity to acquire practice and experience in diplomatic duties.²

As the Chinese government has on this occasion been enabled to avail itself³ of Mr. Burlingame's weight and position, and of the assistance of the secretaries of legation⁴ Messrs. Brown and de Champs, both the business of this particular mission⁵ will be performed satisfactorily, and hereafter when envoys are to be sent by China⁶ to foreign powers,⁷ the taking of such action will have been much facilitated, and the mode of procedure that can be followed will have been laid down.⁸

On the arrival of the ministers in the United States and other countries,⁹ the government there¹⁰ will discuss and decide with Mr. Burlingame alone,¹¹ all matters that will have to be dealt with;¹² and when Mr. Burlingame has arrived at any decision,¹³ Chih-Ta-Chên and

¹ Instead of: "not only shows the genuine feelings of friendship existing", for which Dr. Williams has: "would manifest the good feeling existing", the text reads: "partly as a manifestation of good understanding".

² Instead of: "but will also give these high officers an opportunity to acquire practice and experience in diplomatic duties", for which Dr. Williams has: "and be moreover a means of giving them practice and experience in their duties", the text reads: "partly as an opportunity to learn by experience".

³ The text does not say a word of "As the Chinese Government has on this occasion been enabled to avail itself". The construction of the paragraph being somewhat difficult, both Mr. Brown and Dr. Williams have failed to seize its true import, and, translating with even more than their usual freedom, have yet made a complete muddle of it, as will be seen on a glance at their contradictory and illogical versions, compared with our own: see above, and pp. 168 and 165. We here confine ourselves to point out the special errors of Mr. Brown's translation.

⁴ Instead of: "the secretaries of legation", the text reads: "the two secretaries Pö (Mr. Brown) and Tö (Mr. Deschamps)".

⁵ The text says not a word of "this particular mission".

⁶ Instead of: "hereafter when envoys are to be sent by China", for which Dr. Williams has: "when this government at a future day desires to send her own envoys", the text reads: "if the (governing) Central State should, hereafter, see occasion for another mission". The possibility of such another Mission is by the Tsung-li Yamên made altogether conditional on the success of the Hon. Mr. Burlingame, and held out—to "encourage zeal" (12).

⁷ The "foreign powers" have been superadded to the text by Mr. Brown.

⁸ Instead of: "the taking of such action will have been much facilitated, and a mode of procedure that can be followed will have been laid down", for which Dr. Williams has: "she will then have precedents to follow, and it will be easier to prepare them for their duties", the text reads: "the path to be followed would manifestly have been struck out, and the transaction of business be greatly facilitated".

⁹ For: "in the United States and other countries", our text has: "in your honorable (Tributary) State".

¹⁰ The words: "the government there" are not in the text. On the other hand, the words: "and when its turn for the transaction of business-matters shall have come", have been omitted from it by Mr. Brown.

¹¹ On a comparison of Mr. Brown's translation of the whole paragraph with the version of Dr. Williams, p. 169, it will be found that they once more differ essentially, the one from the other; both differing again so materially from the original, as to

Sun-Ta-Chên will consult with him as to the dispatches on the subject to be sent ¹⁴ to the *yamun* of foreign affairs in Peking. ¹⁵ In this way the entire work of the mission, being fully provided for, will proceed smoothly and satisfactorily. ¹⁶

Mr. Burlingame, on his part, understands the languages and peculiarities of foreign nations, ¹⁷ and Chih-Ta-Chên and Sun-Ta-Chên, on their part, are conversant with the language and affairs ¹⁸ of China. ¹⁹ The arrangements adopted in this mission are only temporary, and for the occasion. The measure is an initiatory one, and will not be permanently imitated in the future.

The Prince (and members of the *yamun*) would request his excellency ²⁰ to communicate the contents of this despatch to the high ministers who have charge of the government of his country, ²¹ for their guidance in receiving and treating with the Emperor of China. ²²

render it difficult to perceive how the translators can have construed the text. Their united object, however, is obvious. While the Tsung-li Yamén grant to the Hon. Mr. Burlingame simply authority to *deliberate upon proposed measures*, the nature of which is to be communicated to it by the native co-messengers (comp. Note 15, pp. 168—9), Mr. Brown and Dr. Williams confer on their "high minister *plenipotentiary*" the authority of *deciding upon all matters*; nay, Dr. Williams, forgetting that there exists such a person as the Emperor, unhesitatingly invests his former chief with the powers of *final* decision. Instead of: "will discuss and decide with Mr. Burlingame alone", the text reads: "the Hon. P'u will alone have to be looked to in deliberating".

¹³Instead of: "all matters that will have to be dealt with", the text reads: "the nature of whatever arrangements may be proposed".

¹⁵The words: "and when Mr. Burlingame has arrived at any decision" are not in the text.

¹⁴Instead of: "Chih-Ta-Chên and Sun-Ta-Chên will consult with him as to the dispatches on the subject to be sent", the text reads: "the Hon. Chih and the Hon. S'un, after communicating with the Hon. P'u, will have to conduct the correspondence relating thereto (the deliberations upon proposed measures)". (Comp. note 17, p. 169.)

¹⁵Instead of: "the *yamun* of foreign affairs in Peking", the text reads: "the (governing) Central State's Board of General Control". (Com. Note 16, p. 166).

¹⁶The paragraph is not completed here; Mr. Brown having altogether misapprehended its syntax, as will be seen on a comparison with our version, pp. 165-6.

¹⁷Instead of: "*foreign nations*", for which Dr. Williams has: "all the countries he (Mr. Burlingame) will visit" (comp. note 20, p. 169), the text reads "the (Tributary) Outer (States)".

¹⁸Instead of: "the language and affairs", which also Dr. Williams has, the text speaks of "the method of correspondence and the general code of relations".

¹⁹Instead of: "China", the text reads: "the (governing) Central State". Comp. note 21, p. 169.

²⁰Neither "the prince (and members of the *yamun*)" nor "His Excellency" are in the text.

²¹Instead of: "the high ministers. who have charge of the government of his (excellency's) country", for which Dr. Williams has: "the Secretary of State", the text reads: "your honorable States' tributary-service officials". In reference to this insulting designation, see note 23, p. 169, and (82) p. 170.

²²Instead of: "in receiving and treating with, the ministers representing his

A necessary communication, addressed by the Prince of Kung, and ministers of the *yamun* of foreign affairs, to the foreign ministers in Peking, and to the secretaries of state of those treaty powers not yet having diplomatic representatives in China.¹

Tung-chih, sixth year, twelfth moon, sixth day (December 31, 1867).

Mr. SEWARD to the CHINESE EMBASSY.

Department of State,

Washington, June 3, 1868.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a communication from their excellencies Anson Burlingame, of the first Chinese rank, envoy extraordinary and high minister plenipotentiary, and Chi-Kang and Sun Chia-ku, of the second Chinese rank, associated high envoys and ministers of the Emperor of China, in which their excellencies inform the Secretary of State that they desire a time to be named for them to deliver their credentials to the President of the United States.

It is well understood by this government that, owing to the minority of the Emperor of China, the sovereign authority of the empire is now exercised by a regency. Reserving, therefore, and waiving, though only during the Emperor's minority, the question concerning the privileges of personal audience by the head of the Chinese government, the President of the United States will cheerfully receive their excellencies the high ministers of China, on Friday, at 12 o'clock at noon, at the Executive Mansion.

The undersigned avails himself of this occasion to offer to their excellencies the assurance of his most high consideration.

WILLIAM H. SEWARD.

Their Excellencies ANSON BURLINGAME,

CHIH-KANG,

SUN CHIA-KU.

Before we add to the preceding papers the address delivered by the Hon. Mr. Burlingame at the reception, and the President's reply, it will be necessary to offer some words of comment upon the former.

133. The letter from "the Chinese Embassy" to the American Secretary of State for Foreign Affairs, demanding, rather than soliciting, an audience of the President for the purpose of "delivering" to him its credentials, and the unbecoming tone of which is in

Majesty the Emperor of China", for which Dr. Williams has: "when these imperial commissioners reach the United States to transact the business of their mission, he (the "Secretary of State", see the preceding note) will be fully aware of their position and relative duties", the text reads: "when, on the arrival of our envoys, its

full accordance with the absurd pretensions of the Emperor of China, opens with several positive untruths. It is untrue that the Hon. Mr. Burlingame held "the first Chinese rank". It is untrue that he had been commissioned by the Emperor of China as his "high minister plenipotentiary". It is untrue that Chih and S'un held "the second Chinese rank". And it is untrue that they were "associated high envoys and ministers"; —to all of which points, however, we shall presently revert. In this place we merely desire to call attention to the impropriety of the American Secretary of State accepting and answering, from the questionable Representatives of a Sovereign to whose presence the Representative of the United States has no access, a letter couched in terms at variance with courtesy, and regarding an audience of the President as a matter of *right* under any circumstances, on the part of any Chinese officials; inasmuch as they simply "will thank the Secretary of State to cause a time to be named for them to deliver their Credentials". It is true that the Hon. Mr. Seward profits by the opportunity, to assign to a solution of "the question concerning the privileges of personal audience by the head of the Chinese Government" a distinct limit; but such is the character of the Chinese, that a formal, though only temporary, waiving of that question, in connection with the reception of their "Messengers", and the haughty—not to say impudent—tone which the latter were permitted to assume at Washington, is certain to have produced an effect, diametrically opposite to what was intended, on the Tsung-li Yamén and the Government of China.

134. The Letter of Credence and its (falsified) *quasi*-official translation, copies of which were, in conformity with diplomatic usage, duly submitted for examination and approval or disapproval to the American Secretary of State, has already been fully discussed. We have only to recall here the attention of the reader, and more particularly the attention of the American reader, to our version of that remarkable state-paper (37, *r*) and the comparative

(the Individual Tributary-States') turn for the transaction of business comes"—an offensive mode of expression—"they (the Tributary-Service officials of that State) may have a basis to proceed upon".

¹ Of this concluding paragraph we shall presently speak.

table, exhibiting in parallel columns its "true literal translation". "Mr. Brown's (falsified) version", and the "Chinese text rendered word for word" (80); to our remarks upon its insulting character, and the fact that the Emperor of China, formally claiming the Divine and Universal Autocracy of the Earth, formally claims in one of the most formal of diplomatic documents, directly addressed by him to the President of the United States, the territories of the North-American Republic as a Chinese province, and, consequently, the American people as Chinese subjects, over whom he possesses the power of life and death (73-76); to the great importance, from the Chinese point of view, attaching to the reception of such a Letter by the Chief Magistrate of the United States, and its effect upon China (77); to the diplomatic fraud and conspiracy, which led to the humiliation of the United States in the sight, at least, of "nearly one half of the human race" (78-79, 84-90); and to add a few observations on the signature added to Mr. Brown's version of the Letter of Credence. We have already noticed the circumstance that even in the copies communicated by that gentleman to the Interpreters of the Foreign Legations in Peking, he appeared, by introducing the words "Our Reign" before "T'ung-chih", to wish the latter expression, analogous to our *Anno Domini* (72), to be taken for the name and signature of the Emperor of China (80, 1). The copy, officially presented to the American Secretary of State by "the Chinese Embassy", and as officially published by order of the United States Government and reproduced above, can leave no doubt on the subject; because it is actually signed:

"TUNG CHIH".

It is thus made officially to convey, on the part of "the Chinese Embassy", the impression to the American Government of "Tung Chih" being the name of the Emperor of China, and of the Letter of Credence bearing the personal signature of "the Great Exalted Monarch and Highpriest of the World." This is a grave fact. Morally speaking, it appears to us unquestionably to amount to a forgery of the assumed name of the Emperor of China. What con-

¹ *Henry Wheaton, Elements of International Law, second edition, annotated by Mr. Lawrence, London, 1864, 8vo., p. 388, after De Martens, Précis du Droit des*

struction the Law might place upon it, we are not prepared to say. It will be for the Governments of the United States and of China to take this matter ~~it~~ to consideration.

135. The second document, submitted by "the Chinese Embassy" to the American Secretary of State "is a translation by Mr. Brown of the Circular Despatch of the Tsung-li Yamén of December 31, 1866, communicated above (81 н.) It is not specially named in the letter of the Mission of June 2, 1868 (132), but manifestly intended to be included in the expression "a copy of their credentials", so as to convey to the American Government the impression of this document constituting those "*full powers*" of the Mission, necessary for its diplomatic action, and which are not contained in the Letter of Credence. Had not Mr. Hart and the Hon. Mr. Burlingame read "Wheaton"? He writes thus:—"Every diplomatic agent, in order to be received in that character, and to enjoy the privileges and honors attached to his rank, must be furnished with a letter of credence...The letter of credence states the general object of his mission, and requests that full faith and credit may be given to what he shall say on the part of his court;"¹ and again: "In order to enable a public minister or other diplomatic agent to conclude and sign a treaty with the government, to which he is accredited, he must be furnished with a *full power*, independent of his general *letter of credence*."² But, *no such full power having been confided to the Burlingame Mission by the Chinese Government*, the former had to supply the want by—diplomatic fraud. After they had once arrived at a common assent to the falsified translation of the Letter of Credence (78), the plotters of the Mission, urged on by the necessities of the case, (82) hesitated not to complete their work: the result before us being the signature "TUNG CHIH", added to the Credentials; the falsified rendering of the document, which is the subject of these remarks, by Dr Williams (81); its falsified version by Mr. Brown (132, b); and the officially imprinting upon it the false character of a *full power*. That the document was viewed and accepted as such by the Hon. William H.

Gens Moderne de l'Europe, edited by M. Ch. Vergé, Paris, 1864, vol. ii. p. 84, where authorities are cited. ² *Ibid*, p. 443.

Seward, is proved by the preamble to the "Additional Articles to the Treaty between the United States of America and the Ta Tsing Empire of 18th of June, 1868", wherein it is stated, that the Plenipotentiaries who concluded that supplemental treaty,—the Hon. William H. Seward on the part of the United States, the Hon. Anson Burlingame, Chih-Kang, and S'un Kia-Ku on the part of China,—signed it "*after having exchanged their full powers, found to be in due and proper form.*"¹ The translations,—if the term can be properly applied to the falsified versions—of the Chinese text of these "full powers", by Dr Williams and Mr. Brown, differ upon unessential points more or less, but agree in effacing all offensive and insulting expressions, which occur in the original text; in conferring on the Mission the character of a diplomatic embassy from one sovereign state to another; in conferring on the members of the Mission generally, the character of "high ministers", and on the Hon. Mr. Burlingame in particular, that of a "high minister plenipotentiary", taking precedence in rank of his native co-envoys, and invested with general authority to negotiate any international business between China and the United States. All this, as we have shown, is at variance with the facts of the case and with truth. And, in addition to the falsified rendering of single passages and expressions, there occurs in Mr. Brown's version the following paragraph: "His Majesty, the Emperor of China, in this appointment, charged Mr. Burlingame, assisted by his secretaries, with the exclusive control and responsibility of the Mission",—of which paragraph the Chinese text, professing to be a translation of our document contains not a single word. *It is a further deliberate falsification of the original.* And this leads us to an inquiry into the character of the document itself. That is to say: has the Chinese text of this "full power", in the form in which, judging from the manner in which the translation is published, it must have been officially submitted by "the Chinese Embassy" to the American Secretary of State, emanated from the Tsung-li Yamên at all? In other words: *is it a genuine*

¹ Dr. Williams's "Proclamation", dated Peking, Nov. 23, 1869, together with a true copy of the English and Chinese texts of the additional articles, printed and

document? Or is it a document which, in its present particular form and for the particular purpose indicated, has been *fabricated and thus applied by the Mission itself?* To all appearance an affirmative answer will have to be returned to the latter question. The contents of the paper, setting aside the interpolated paragraph to which we have just alluded, are, as already noticed, identical with the Circular Despatch of the Tsung-li Yamên of the same date (81, n); its introductory formula also corresponds with that of the despatch, and it is only the concluding paragraph, which so far differs from it, as it reads: "A necessary communication, addressed by the Prince of Kung and ministers of the Yamun of foreign affairs, to the foreign ministers in Peking, and to the secretaries of state of those treaty-powers not yet having diplomatic representatives in China." But do not these *additional* remarks—additional to the genuine despatch and, therefore, *another falsification of its tenour*, betray the falsified character of the document, as a *full power*, themselves? Can it rationally be supposed that the Tsung-li Yamên, after addressing its despatch of December 31, 1867, to Dr Williams, as Chargé d'Affaires *ad interim* for the United States, *simply explaining the explanatory object of the Mission* and requesting him,—as the very paragraph, immediately preceding the final interpolation, shows—to *communicate the contents to the American Government*, should on the same day have issued the same despatch, with the addition of two paragraphs, the latter utterly irrelevant, for the *Mission* to use, and to present to the same Government—the Government of the United States—as a *full power and general Imperial authority* to enter into any kind of diplomatic negotiations, and conclude any kind of political treaties with that Government? The very idea is preposterous; quite apart from the knowledge we possess, that no Chinese official, even of the very highest rank, has ever been entrusted with such power and authority. But if so, the document under consideration itself, viewed as a *full power*, officially submitted as such to the American Secretary of State by "the Chinese Embassy", would *assume the*

circulated for general information by the Vice-Consul General Mr. Jenkins, Shanghai, December 17, 1869, 4 pages in fol.

character of a diplomatic forgery. This is another subject for the Governments of the United States and of China to order inquiries to be made into. Under any circumstances, it is indubitably true that our document, in reality, conveys no power of any kind: the simple reason being, that it is stated to emanate from the Tsung-li Yamèn or Prince Kung, and that, neither being invested with the Imperial authority to confer full powers or any diplomatic power whatever, whether on messengers or envoys of the Chinese Government, they cannot possibly delegate to others a power, which they do not possess themselves.

136. We may now proceed to reproduce from the official American "Papers relating to Foreign Affairs", the Hon. Mr. Burlingame's address to the President of the United States, and the reply of the latter. They read as follows :—

ADDRESS OF MR. BURLINGAME TO THE PRESIDENT.

MR. PRESIDENT : If you had not already, through the Secretary of State, kindly relieved me from embarrassment, my first duty on the present occasion would be to explain to you, how it is that I, who left this capital seven years ago a Minister of the United States to China, have now returned here a Minister from China to the United States. You will permit me, I trust, to renew, in this formal manner, the expression of my thanks for the kindness and liberality with which this change of representative character and responsibility on my part, has been allowed by the American people.

Mr. President, the Imperial Chinese Government having, within the last three years, accepted the laws of nations as they are allowed and practised by the Western powers, that government has further concluded, if permitted, to enter into communication through the customary diplomatic way with the United States, Belgium, Denmark, France, Great Britain, Holland, Italy, North Germany, Russia, Spain and Sweden. This desire of the Chinese Government is fully expressed in letters addressed to these powers respectively.

We are charged, at the expense of what might bear the appearance of egotism, to say that there are nine official ranks in China. By way of showing the greatest possible respect to the Western powers, the letters to which I refer were committed to the care of myself, of the first rank, and to Chih-Tajèn and Sun Tajèn, of the second rank, myself being invested with extraordinary and plenipotentiary functions, and all of us being accredited to you as high ministers and envoys.

We have now the honor to deliver the letter of his Imperial Majesty, which is thus addressed to the President of the United States. In doing so,

we obey a charge given us by the Emperor of China to assure you of his sincere desire for your personal health, honor and happiness, and for the welfare and prosperity of the great nation over whom, by the authority of Heaven, you have been called to preside.

REPLY OF THE PRESIDENT TO MR. BURLINGAME.

YOUR EXCELLENCY: States, like individual men, have two distinct characters and fields of activity; the one domestic, the other social. If it be true, as I trust it is, that the several political communities of the earth are now more actively engaged than at any previous period in meliorating their respective constitutions and laws, it certainly is not less manifest that they are zealously engaged in meliorating and perfecting their systems of international intercourse and commerce.

The appearance here of this, the first mission from China to the Western nations, is in this respect not more singular than it is suggestive. During the first 80 years of our independence, foreign nations generally evinced hesitation, caution, and reserve, not to say jealousy, in regard to advances of the United States. Of late these features have seemed to disappear. There remains scarcely one civilised and regularly constituted state with which we have not formed relations of cordial friendship. So far from seeking to impose fetters upon our commerce, as heretofore, nearly all nations now invite us to establish free trade. Our national thought—that the American continent and islands are rightfully reserved for the ultimate establishment of independent American states—is no longer anywhere contested. Vigorous and well-established European powers now freely cede to us for fair equivalents such of their colonial possessions in this hemisphere as we find desirable for strength and commerce. The inherent right of man to choose and change domicile and allegiance—a principle essential to human progress—is conceded in our recent treaties. These changes, although not less important, are less striking than the extension of our friendly intercourse with the Oriental nations. We have recently opened reciprocal and equal intercourse with Greece, with the Ottoman Porte, and with Japan. China, having accepted the laws of nations as they are explained in our own approved compilation, now avails herself, through your mission, of our friendly introduction to the Christian states of Europe and America. These events reveal the pleasing fact of a rapid growth of mutual trust and confidence among the nations resulting from a general suspension of the policy of war and conquest, and the substitution of a fraternal and benevolent policy in its place.

Your excellencies, we have not failed to appreciate the sagacity with which the Chinese Empire has responded to this change of policy by the Christian nations. We acknowledge with pleasure the cordial and enlightened adoption of that policy by the Western nations, acting in

concert with the United States, especially by Great Britain, France, Russia, North Germany, Italy, Denmark, Sweden, Holland and Belgium.

I deem it not unworthy of this occasion to bear witness to the merit of the representative agents whose common labors at Peking have culminated in bringing the Empire of China so early and so directly into the family circle of civilised nations, viz. Prince Kung and Wenshian, on the part of China; yourself, Mr. Burlingame, on the part of the United States; the lamented Sir Frederick Bruce, on the British part; Mr. Berthemy, on behalf of France; and Messieurs Balluzeck and Vlangally, on the part of Russia.

Reasoning from the harmony which has thus prevailed hitherto, I feel myself justified on this occasion not only in giving you a cordial reception here, but also in assuring you of a welcome equally cordial by the several other powers to which you are accredited. In conclusion, I trust that the intelligent and enlightened Chinese Government and people will allow me to build upon this day's transaction an expectation that their great Empire, instead of remaining, as heretofore, merely passive, will henceforth be induced to take an active part in the general progress of civilisation. There are several lines of navigation between Europe and China. Citizens of the United States have already constructed a road across the Isthmus of Panama, with a line of steam service across the Pacific Ocean. In two or three years more there will be added to these facilities of intercourse the Pacific railroad across our own continent, and a ship canal, constructed under French patronage, across the Isthmus of Suez. But there will yet remain, besides all these, and more important than all of them, the great work of connecting the two oceans by a ship canal to be constructed across the Isthmus of Darien. To doubt the feasibility of such a work, would imply an ignorance of the science and the wealth of the age in which we live. Your important mission will enable you to contribute largely to the achievement of that great enterprise. I respectfully invite you, therefore, to commend it to the favor of the United States of Columbia, as well as to the Government of China and the several European states to which you are accredited.

We see no occasion to animadvert upon the general topics, here introduced by the President into his reply to the Hon. Mr. Burlingame's address. The only point to notice is the circumstance, that the Government of the United States undertook to introduce the Burlingame Mission to "the Christian States of Europe"; thus incurring a responsibility, which, it is to be hoped, will at no distant period lead to a radical change, amounting to a reversal, of the policy, unbecoming a great people, which the North-American

Republic has thus far judged it expedient to persevere in towards China, and towards Europe in regard to China.

137. The first statement, made by the Hon. Mr. Burlingame, as the Public Messenger of the One Emperor of the Earth, in his formal address to the President of the United States is, that the International Law of Europe had been accepted by the Chinese Government, *i.e.* by his Imperial Master. We have already pointed out (126), that such is not the case. He next states, that the Chinese Government "had further concluded, if permitted, to enter into communication through the customary diplomatic way with the United States and certain European countries,—very undiplomatically by him arrayed in alphabetical order;—and that "this desire of the Chinese Government was fully expressed in letters addressed to those Powers, respectively". Again, such was not the case. To some extent, however, the Hon. Mr. Burlingame may upon the latter points have been himself misled by the falsified version of the Credentials. He next states, that the Mission was "charged to say that there are nine official ranks in China". Such was not the case. Nor is even the Hon. Mr. Burlingame bold enough to aver in distinct terms, that it was, as implied by him, the Chinese Government, *i.e.* the Emperor, who had, and alone could have, thus "charged" him. He further states, that "by way of showing the greatest possible respect to the Western Powers, the Letters of Credence were committed to the care of himself, of the first rank, and to his two native associates, of the second rank". Such was not the case (31). He goes on to state, that "he himself was invested with extraordinary and plenipotentiary functions", and that he and his native co-messengers were "all of them accredited to the President as high ministers and envoys". Such was not the case (32). Finally, the Hon. Mr. Burlingame states that he and his native co-messengers "obeyed a charge given them by the Emperor of China to assure the President of the United States of the Emperor's sincere desire for his personal health, honor and happiness, and for the welfare and prosperity of the great nation over whom, by the authority of Heaven, he had been called to preside". Such was not the case (35). A greater medley of positive untruths has

probably never been uttered on a similar occasion, than were uttered, in most part consciously, though in part also maybe unconsciously, at the reception of "the Chinese Embassy" in Washington, by the Hon. Mr. Burlingame. And is it, indeed, "by the authority of Heaven", that the Chief Magistrate of the United States is called to preside quadrennially over the destinies of the Great North-American Republic? We have always been under the impression, that he was called to do so by the votes and the authority of the American people. Upon this point, considering that the President of the United States accepted the statement of the "envoy of Chinese empire" to the contrary, we may possibly be in error. But what admits of no manner of doubt is, that the American Government has allowed itself to be imposed upon by "the Chinese Embassy"; that, without due inquiry and adherence to principle, it submitted to a diplomatic fraud without a parallel in the history of politics; that, by introducing the Burlingame Mission to the Courts of Europe, it has incurred a grave responsibility towards those Courts; that, by officially receiving the Letters of Credence and the Messengers of "the One Monarch of the Earth", who lays claim to North-America as a Province of his own, and by thus publicly though unwittingly, in the sight of the Chinese nation, acknowledging the Chinese vassalage of the United States, it has taken upon itself a graver responsibility towards the American people; and that, in sending the Burlingame Mission, China has offered a national insult to the United States, which, it appears to us, imperatively demands redress.

§ 15.

THE CHINA POLICY OF THE UNITED STATES.

138. "I have as far as possible", the Hon. William B. Reed, American Ambassador to China, concluded a despatch to his Government, dated Macao, February 1, 1868, "limited this despatch to the pecuniary claims on the Chinese authorities. Those of a political nature are referred to in the accompanying memorandum, and on them I have no other observation now to make than that they *painfully illustrate the relations, in which the United States have been content so long to stand to the authorities of this empire*".¹ The following paragraph, transcribed from the Memorandum alluded to, will speak for itself. It reads thus:—²

"Indignity in returning the President's letter with the United States Commissioner's letter of credence.

"This letter from President Pierce and the letter of credence were delivered to his excellency Wang, Governor-General of Fuh-kien and Cheh-kiang, at Fuchow, on the 15th of July, 1856, by Mr. Parker, who referred him to the 31st article of the treaty, which mentioned the officers, who were authorised to receive and transmit such documents to Peking. His excellency received it, and, there is no reasonable doubt, fulfilled his promise of forwarding the box to Court. On the 24th of August the same officer communicated to Mr. Parker the disapproval of his Government at the course he had taken, in the following words:—'As to this matter it is right it should revert to the Imperial Commissioner and Governor-General of the Liang Kwang duly to memorialize the throne, and to manage; and not being a subject, which ought to be superintended by the viceroy of the Min and Cheh Provinces, it is inexpedient for us (the ministers of the privy council) to present it in his behalf. We now take the original box and return it (to the viceroy) to deliver over, which will answer'.

"The Commissioner, in his reply to his excellency Wang, October 27, exculpated him personally from all blame, but showed that, in addition to the indignity of returning a national letter on such a frivolous pretence, the insult was greatly aggravated by the condition in which the dispatch was sent back, the seals of the original letters having both been broken open, as

¹ Papers relating to Foreign Affairs, Washington, Government Press, 1859—60, 6vo., vol. x., p. 105. ² *Ibid.*, p. 112.

well as those of the translations, though the latter documents fully informed the cabinet of their purport. Few incidents during the present reign have shown more decidedly the unsocial and exclusive policy of the Chinese Government, than the return of this box in the state in which it came. No one doubts that all the high functionaries of the Imperial Court learned its contents and perhaps, too, submitted the original and translations to foreign inspection for the purpose of verifying them, which renders their return more decisive and discourteous."

Nothing discouraged, however, by this little incident, though by the Hon. Mr. Reed stigmatised as "*an insult to his country*", the President of the United States was bent on the honor of a personal correspondence with "the One Great Exalted Monarch and Highpriest of the World"; no doubt under the hallucination that, "once the ice was broken", certain undefined, but great, national advantages might accrue to the North-American Republic from such an epistolary intercourse.

139. Hence, the Hon. Mr. Reed was charged with the delivery of another autograph letter from the President of the United States to His Majesty the Emperor of China; and its history is both so curious and instructive, as here to deserve a place. An Imperial Commission, consisting of three Chinese officials, Tan, Tsung, and Wu, had an interview with the American Ambassador at the Taku Forts on May 3, 1858, during which the conversation was directed by the Representative of the United States to the letter in question:—¹

"Mr. REED. I have also here an important document, a letter from the President of the United States to His Majesty the Emperor of China.—TAN. When will the letter be brought, and what does it contain?—Mr. REED. It contains good wishes and expressions of friendship from our chief magistrate. Here is the original (showing the address).—TAN. I am unable to read the letters of your honorable country, but there are men at the colonial office, at Peking, who are acquainted with foreign languages. Was it written by the Prince of your country? (Mr. Martin,² the interpreter, here requested the commissioner not to call our Chief Magistrate "Prince," but "President," which is his proper title).—TAN. It is a foreign title, to which I am not accustomed. (Mr. Martin: "Then call him Hwangti, Emperor, as we do your sovereign, for the United States is not inferior to China." This he did during the remainder of the interview). Mr. REED. It bears the autograph signature of the President.—TAN. May I see a translation of it? (It was then shown to the three commissioners, who perused it, and said at the same time: "We can send

¹ Papers relating to Foreign Affairs, Washington, 1859—60, 8vo., vol. 8, pp. 282—4.

² This is the same W. A. P. Martin, D.D., "Professor of Hermeneutics etc. in the Imperial College, Peking", of whom we have spoken above (89). The term, used

it; we can send it.”—Mr. REED. I have to complain of a grave offence on the part of the Chinese Government. Here is a letter from the President to the Emperor, sent from the United States, and placed by my predecessor in the hands of Wang, the Governor-General of Fuhchau, to be transmitted to Peking. It was afterwards returned unanswered, and in this condition, (showing the mutilated seal). This was an insult to my country; and, should it at any time be repeated, it certainly would create enmity between the United States and China.—TAN. That is a bygone affair, of which I have no knowledge; but I can assure you, that in the present case the letter will not be treated with disrespect.—Mr. REED. What guarantee shall I have that it reaches the hands of His Majesty?—TAN. An acknowledgement from the colonial office.—Mr. REED. But I desire something from the vermilion pencil—from the Emperor himself—addressing the President of the United States in terms of equality.—TAN. All correspondence with foreign states is referred to that office.—TSUNG. The addition of the Imperial *placet* with the vermilion pencil to a document from that office, so far from being a token of equality, would, on the contrary, indicate the inferiority of the party addressed. (Mr. Martin here remarked that *Li-fan-yuen*, the term used for colonial office, signified the office for controlling the foreign dependencies of China).—Mr. REED. I will have nothing from that office—nothing but from the Emperor himself. Will his Majesty answer the President’s letter in his own name, and in terms of equality?—TAN. I can send a memorial to-morrow and ascertain the imperial will on that head. In the mean time, you will perhaps place in our hands a summary of the points of the treaty, which require discussion.—Mr. REED. No; not until you have both obtained from Peking a copy of my letters to the prime minister, and also ascertained whether the Emperor will answer the President’s letter.—TAN. The imperial rescript and the letters will both be here within five days or less.”

A few days later, the Hon. Mr. Reed, in a note dated “On board the Minnesota”, May, 7, 1858, applies once more to the Chinese Commissioners for an assurance, that the letter of the President is to be duly received; in answer to which, on May 8, they simply “request the letter to be brought, in order that they may forward it to the Court”; and, on May 10, write more formally:—

“We have memorialised [the throne] respecting the letter sent from your country, and His Majesty is much pleased to learn that there is one. On the 5th instant His Majesty issued his rescript to the following effect:—The national letter (i.e. the President’s)³ which by regulation should have been given in to be forwarded from Canton, has now been brought to Tientsin. Tan-ting-siang and his colleagues were thereupon commissioned by ourself to attend to it, and they are now allowed to receive and forward the same and to hand it up on behalf of the American minister, together with

by Tan, was no doubt *wang* (42, 66).

³ What is translated here “the national letter”, should have been rendered: “the Tributary-State’s letter”.

the translation, by which we may be able to understand it fully. This from the Emperor. As is proper, we now respectfully copy the above and communicate it to your excellency."

With a degree of perseverance, worthy of a better cause, the Hon. Mr. Reed, on May 11, replies:—

"The undersigned has fully explained to their Excellencies the importance he attaches to the proper reception and acknowledgement of the letter with which he is charged from the President of the United States to his Majesty, the Emperor, and why, from the past experience of his country in this respect, he exacts a positive assurance, before it leaves his hands, that it will be safely forwarded and acknowledged on terms of equality. The imperial rescript, sent to the undersigned to-day, gives no such assurance, and is, therefore, unsatisfactory. He cannot forward the letter".

The answer of the Imperial Commissioners to this communication, dated May 13, according to the translation of Dr. Williams, reads thus:—

"We have received your Excellency's despatch, in which you speak of the proper manner of receiving the letter from the President. We may remark that we have already memorialised and received his Majesty's pleasure, permitting us to send up the same for you. We accordingly requested your excellency to carefully transmit it to us, that we, on our part, may receive, and then as carefully send it up to the throne. Our august Sovereign is much gratified to learn this, and there certainly will be a reply. Your honorable country has never been a dependency of China,¹ and why, then, need you have undue apprehensions [on the subject]? When we have received this letter, and have sent it up to Court, we shall, on obtaining the will, again make another communication to you".²

Upon the receipt of this note, the American Ambassador, in a despatch, dated "Off the Pehio River, May 15, 1858, informs his Government:—

"On the 14th instant I received a communication from the Commissioner as to the President's letter, in which there is a distinct assurance that it will be answered, and that there is no pretence that the United States are tributaries of China. Absurd as this disclaimer may seem to us, it is not without its significance".³

The Commissioners had, in reality, given no assurance whatever that the letter would be answered by the Emperor, much less that the United States were not included among the Tributary "Outer" States of China. On the following day, May 16, they addressed another note to the American Ambassador:—

¹ According to the Chinese division of the Empire Universal, the "dependencies", properly speaking,—Mongolia, Manchuria, Tibet, etc.,—are comprehended in "the Central State", and thus placed on a far higher level, than are "the Outer States".

"We have already acknowledged your Excellency's communication, in which you inquired how the letter from the President of the United States would be received and forwarded. We then made the same known to his Majesty, and received permission for us to take and transmit the letter on your behalf, directing us still to await a reply.

"We have now been honored by the Imperial will as follows:—'The regulations of the Celestial Empire are for those countries which do not bring tribute to our Court, that, if a correspondence happens to arise between us and them, a fixed rule is to be observed; they are not to be treated with disdainful hauteur, but in the form in which their letter comes, so must the answer be returned from us. There is not the least cause for doubt or hesitation on their part. This from the Emperor'. As is proper, we respectfully copy his Majesty's rescript, and now send it for your excellency's information".

This answer is very clear and to the point, even according to Dr. Williams's translation. The United States, the Commissioners are instructed to inform the American Ambassador, should, as one of the Tributary States of China, have sent tribute by him. Although this duty has been neglected, the Hon. Mr. Reed will, under existing circumstances, not be treated with positive insult, and ordered to return home: yet, as the letter of the President is unaccompanied by tribute, so the reply must needs be admonishing; in accordance with the rules of the Chinese State Universal. Hence, too, the Imperial answer, which was finally issued on June 7, 1858, reminds the American "Messenger", that the United States are a Chinese Principality; refuses him permission, even temporarily, to come up to the Metropolis of the World; and enjoins him *with all practical speed to return to Canton "to attend to the commercial duties of his office as usual"*.⁴ Yet the Hon. Mr. Reed is meanwhile led to see, and sees, in the note of the Imperial Commissioners a solemn assurance, that the letter of the President will be received by the Emperor of China on terms of equality. Accordingly he replies on May 18:—

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, having received from their excellencies Tan, Imperial Commissioner and Governor-General of Chihli, Tsung, Superintendent of the Granaries, Wu, Under-Secretary of the Cabinet, their replies of the 13th and 16th instant, in which [they] give a solemn assurance that

² Papers relating to Foreign Affairs, Washington, 1859—60, 8vo., vol. x, pp. 314—7. ³ *Ibid.*, p. 300.

⁴ See Dr. Williams' translation of the Imperial letter, and our Notes, above, p. 14.

a letter which the undersigned has from the President of the United States to his Majesty the Emperor of China will be received on terms of equality -- the United States being no tributary of China, but a great and independent nation—and that there will be a reply, now has the honor to transmit the same to be sent to the Emperor. He sends it to their excellencies by one of the highest officers of his nation, who is directed to place it in the hands of his excellency Tan, the Chief Commissioner.

Hereupon the letter is by Captain Du Pont, of the Minosota, accompanied by Dr. Williams and a large escort of naval officers, finally "handed up" to Tan; and the Hon. Mr. Reed reports, on May 20, 1858, to his Government:—¹

"I determined, after full consideration, to cause the President's letter to be delivered to the imperial commissioner."

And what was, after all, the fruit of these prolonged and undignified negotiations for permission to force a letter from the President of the United States upon the Emperor of China, and for the assurance of a reply? *An answer, insulting to the American Ambassador, insulting to the American President, insulting to the American people.*

140. But, *l'appétit*, as a French saying has it, *vient en mangeant*. Under the auspices of the arms of France and England, the Hon. Mr. Reed had concluded, on June 18, 1858, at Tientsin, a Treaty of Peace, Amity, and Commerce between the United States and China, in which Art. v. grants to the Representative of the former country permission to visit Peking once a year, on the understanding that he is to "complete his business without unnecessary delay". Profiting by that permission, the American Government entrusts, in the following year 1859, the Hon. John E. Ward, as Envoy Extraordinary and Minister Plenipotentiary of the United States to China, with the mission of exchanging the ratifications of the Tientsin Treaty and—delivering *another* autograph letter from the President to the one Ruler of the World.

¹ Papers relating to Foreign Affairs, Washington, 1859—60, 8vo., vol. x, pp. 316—20. Comp. above, p. 14.—We need hardly remark, that the ceremonies, observed in delivering the President's letter to Tan, were by the Chinese interpreted simply as so many marks of respect to the Imperial Commissioner.

² The act of *kotōing* consists in a person throwing himself forward on the floor upon his knees and hands, thus supporting his outstretched body, and touching the ground with his forehead. In *kotōing* before the Emperor of China, the same ~~before~~

This time, the American Ambassador, being "allowed" to pay a flying visit to the capital, aspired to the honor of presenting that epistle to the Emperor in person. If not a noble, it was a bold, ambition for a Republican Minister to entertain. Unfortunately, there stood among other difficulties the little ceremonial of *kotóing* ² in his way; and since the Hon. Mr. Ward obstinately refused compliance with it,—although he had every facility offered, to enable him, by previous practice in a temple set apart for the purpose, to perform his prostrations with becoming gracefulness and dignity:—the Chinese Government, in an official communication of August 6, 1859, plainly tells him that, under these circumstances, "they really are quite at a loss to understand, for what purpose, then, his excellency had come to Peking at all".³ Whereupon "his excellency" waxes angry; writes accordingly; and is sarcastically answered:—You remark that it is needless any further to deliberate upon the subject of an audience with His Majesty; and we now beg to observe that the proposition of presenting the letter from the President to be transmitted, may likewise be regarded as in the same position, and need be no further discussed".⁴ This was awkward. The idea of a direct correspondence with the Emperor of China having almost assumed the form of a monomania with the Chief Magistrate of the United States: was the Hon. Mr. Ward to return to Washington without having delivered the President's letter? Nor had the exchange of the Ratifications as yet taken place. There was, consequently, no alternative for the American Ambassador but to humble himself before the Chinese authorities, and accordingly he addressed, on August 8, 1859, an official note to them, *expressing his "sincere regret, hat he had found himself unable to comply with the ceremonies of an audience at Court"*; adding that he "entertained for the Emperor of China the highest respect",

Heaven, this is done thrice, and the act thrice repeated; the worshipper—for, it is *divine honors*, which are claimed by the Representative of Heaven on Earth—raising himself to an upright position between each act.

³ Papers relating to Foreign Affairs, Washington, 1859—60, 8vo., vol. x, p. 603.

⁴ *Ibid.*, pp. 604—5. The Chinese text not being before us, we quote from Dr. Williams' translation.

well assured that the President likewise entertained the greatest respect for His Majesty".¹ The result was, that the Ratifications of the Treaty of Tientsin were exchanged on August 16, 1859; and the President's letter was "received for transmission". How the Hon. Mr. Ward's apology was treated by the Emperor, the Hon. J Ross Browne incidentally tells the English and American communities of Shanghai, in his reply of July 17, 1869, to their address on his departure from China. "The Emperor Hienfung", are his words, "on the occasion of Mr. Ward's humiliating attempt to reach the Imperial presence, expressed himself in an official rescript thus: 'What this foreigner (Ward) remarks, that he respects the great Emperor as much as he does *that* President [a contemptuous way of referring to the President of the United States] is nothing less than to class the Middle Kingdom with barbarous tribes. *Such wild exaltation of himself can only be relegated to subjects which make one laugh*'".² This will account for the circumstance, that the autograph letter of the President, which the American Ambassador had succeeded in "delivering for transmission" at so heavy a sacrifice of national pride and dignity, was by "the great Exalted Monarch and Highpriest of the World" *treated with silent contempt.*

141. Still, the epistolary appetite for insult, on the part of the President of the United States, had not been satisfied. When the Hon. Anson Burlingame was appointed Ambassador to China, he was the bearer of another autograph letter from the Chief Magistrate of the North-American Republic to the one Autocrat of the Earth. This letter was, without difficulty, "received" and transmitted to the Emperor. Why? Because the Hon. Mr. Burlingame, as we have already indicated, (92), was also the bearer of *tribute-offerings* from the loyal Mei Principality (23, B). True, they were of a somewhat niggardly description,—indicating, according to the Chinese mode of interpretation, the poverty of that "savage and

¹ Papers relating to Foreign Affairs, Washington, 1859—60, 8vo., vol. x, p. 606. It would be curious to compare with the original the humble language of the Chinese version, in which the former reached the Celestial authorities.

² Addresses presented by the American and British Communities of Shanghai to the Hon. J. Ross Browne, U. S. Minister at Peking, and His Excellency's Reply; Shanghai, 1869, 8vo., p. 8.—We have not seen the Chinese text of the Hon. Ross

barbarous Province" (52, 1) and consisted in a copy of the Bible and a historical pamphlet only: yet *the form had been observed*; the United States had, through its "Public Messenger", acknowledged itself to be one of the Tributary Principalities of the Chinese Empire Universal; and, no doubt, in the next edition of the official Handbook of the Board of Rites and Ceremonies, (52, 3) the tribute of a "splendid copy of the Bible" and a "history of the United States", "reverentially offered up", in 1863, by the Lord Li-s'i-t'ien-t'ò of the Mei State, will appear side by side with the fifty bottles of holy water and as many jars of snuff, in 1729 "reverentially offered up" by Pope Benedict, the Prince of European Italia (52, 6). Under these circumstances, the President's letter was answered also, in the name of the youthful Emperor, with less disdain and hauteur", than had been the letter unaccompanied by any tributary gift, of which the Mr. Hon. Reed was the bearer (139). Indeed, so humble would appear to have been its tone, and so pleasing its contents, that "the Emperor's heart was much rejoiced thereat", and "all suitable attention" was ordered "to be shewn to the Messenger P'u by the Commission, charged with the General Control of Tributary States' Affairs". Nay, "he, THE EMPEROR, having with reverence received from

HEAVEN the dominion of the (Central and Outer World, one household", condescendingly desires that "the bonds of loyalty, (uniting the President with his Exalted Tartar Sovereign), may continually increase in strength".³ Also the fourth autograph letter from the Chief Magistrate of the North-American Republic to the Great Autocrat of the Earth led, then, but to modified *insult*,—*insult to the President of the United States and the American people*, modified by a certain degree of attention to their "tribute-bearing Messenger P'u".

142. This persistent attempt to enter into direct correspondence with the Emperor of China constitutes the principal feature, which has marked the China policy of the United States ever

Browne's quotation; and were under the impression of its being a glossary remark, in the Emperor S'ien-feng's own handwriting, on the margin of a Memorial, which came into the possession of the English Legation at Peking.

³ See the Imperial letter, of January 23, 1863, as "translated" by Dr. Williams, with our Notes, above, p. 15.

since such a policy has existed. Its immediate result we have seen to be that, in the sight of the Chinese people and the Chinese Government,—which is here the chief, if not the only, point of importance,—it changed the position of the United States from that of a professedly independent country, to the *admitted* position of a tributary dependency of the Chinese Empire Universal; and, in opening to the Hon. Mr. Burlingame a field for personal intrigue, prepared the way to the final consummation of that Policy Epistolary, which has brought nothing but insult and humiliation upon the American people through the official reception of the Emperor's "Letter of Credence", and the *public recognition of the Chinese vassalage of the United States by its Executive Government* (74-77). A fatal error not unnaturally resulted in a complete failure. Yet the failure might have been less insupportable, did not its secondary causes bear a missionary character. In this sense, the responsibility incurred by the Hon. William H. Seward, as Secretary of State for Foreign Affairs, is a great one. It was contrary to all dictates of prudence and sound principle, to allow the interests of the American Legation in Peking to be committed, periodically altogether, commonly to an undue extent, to one single person, holding the post of Interpreter, and known for his Chinese proclivities, the exceptional degree of favour with which he is regarded by the Tsung-li Yamên, and his strong missionary prejudices (87); to place neither assistant or student-interpreter, nor any other public servant of the American Government at his side; and, whenever occasion required it, to permit the employment, in the transaction of public business even of an important and confidential nature, of another missionary, not only bound by no special ties to the Government of the United States, but actually in the service of the Tsung-li Yamên, and noted for his extraordinary pliability of character (89). No other permanent Legation at Peking, save the American, has neglected to provide for the first of its wants—a staff of interpreters educated, for the effective discharge of their duties, in the Northern Capital. And when, in addition to this, we

1 In this sense Mr. Lawrence also remarks :—"Quoique notre politique n'ait pas en vue les mêmes objets que la politique anglaise, dans les rapports avec les nations

find, on the departure of a newly-appointed Ambassador to China and in connection with his mission, the action of Bishop Bourne and the Bible Society mixed up with that of the American Secretary of State for Foreign Affairs, we can hardly avoid the conclusion that a further and grave error was committed by the Hon. Mr. Seward ; and that this error is not unlikely to have been induced by the "plans of Providence"—hatching American Chargé d'Affaires *ad interim* in Peking, Dr. Williams, who would naturally consider the opportunity a fair one to "kill two birds at one throw". For, upon the presentation of a copy of the Bible and a historical sketch of the United States to the Emperor of China, by the Hon. Mr. Burlingame, it might, on the one hand, be anticipated that those gifts, sure to be accepted by the Chinese Government as tribute-offerings, would smooth the difficulties in the way of a gracious reception of the President's letter and its bearer ; and, on the other hand, that, sooner or later, "under Providence", and by means of the same gifts, the Chinese Court and the Chinese nation "be brought to the knowledge of the truth" (87), political as well as religious. Be this as it may : it is certain that the presentation to the Chinese Government of "a splendid edition of the Bible, at the request of Bishop Bourne, and in behalf of the American Bible Society, accompanied with a little history of the book in Chinese by Dr. Williams", on the part of the Government of the United States has, in connection with the epistolary policy of the latter, led in its consequences to that critical and unenviable position of the North-American Republic relative to the Ta Ching Empire, which we have pointed out at the commencement of this paragraph—a position affecting the national honour, the national dignity, and, in the sight at least of "nearly one half the human race", the national independence of the American people.

143. The second feature, which has distinguished the China policy of the United States, is its opposition to the China policy of England ; American statesmen following the doctrine, that the interests of both countries in China differ.¹ We are of the opposite

de l'Est, nos ministres et les officiers de nos forces navales se sont laissés quelquefois entraîner à épouser les intérêts britanniques, au préjudice des nôtres...La conduite du

opinion. It is true that the China policy of most Western powers has, as yet, a purely commercial basis¹; that England, at present, monopolises nearly nine-tenth of the entire foreign commerce of China; that, by the opening of the interior of China to foreign commerce, England would, for some time to come at least, benefit more than any other country; and that to retard the material development, and to impede the intellectual progress, of China, is to obstruct the industrial prosperity of Europe in general, of England in particular. It has to be further admitted that, after a certain lapse of years, the industry of the United States may be in a better position to compete with the industry of Europe than it is now; and that the policy of delay, under such circumstances, may insure to America hereafter a comparatively larger share in the foreign commerce of China, than she is prepared to grasp at the present. Still, that policy is not only a short-sighted but a fundamentally erroneous one. We do not wish to urge here, with the Hon. Mr. Burlingame, "the great doctrine uttered by Confucius 2,300 years ago, 'What you do not want done to yourself, do not do to others'"; nor use the moral argument, that a policy which tends to retard the civilisation of the Chinese people is irreconcilable with the warm professions of friendship of the United States for China; neither do we desire to ask how the North-American Republic, in leaving stagnating China "entirely to herself", can possibly hope ever to "contribute to the Chinese her own noble institutions"? Taking a purely utilitarian and common-sense view of the question, it appears to us obvious, that in the present instance the United States, in opposing the interests of Europe, is opposing the interests of America; in other words—and applying a vulgar simile—that "to spite the face of England, she is biting off her own nose." How fully the Hon. William H. Seward himself is aware of this, he proves to evidence by his instructions to the United States Minister in Peking, after the conclusion of the American Supplemental Treaty, and relative to the then contemplated revision of the

Commodore Américain (Armstrong, 1856) fut désapprouvée par le Président Pierce".—*William B. Lawrence*, *Commentaires sur les Eléments du Droit International etc. de Henri Wheaton*, Leipzig, 1868, tom. i, pp. 144—5.

¹ The abortive attempt, on the part of the United States, to establish exclusive

English Treaty of Tientsin—instructions to which we shall presently revert. We are further borne out in our view by the practical experience of both the American and the English mercantile communities of Shanghai. In their respective addresses to the American Minister, the Hon. J. Ross Browne, of July 14, 1869, the former states: "The true policy of the United States in this country we believe to be one that looks towards the extension of its trade and intercourse with western nations, and, by means of that extension, the raising of China in the scale of civilization". The English community affirms that "the interests of Great Britain and the United States in China are so completely identical, and their affairs are so intertwined in all parts of the Empire, that we feel we are addressing one of the most earnest and most conscientious advocates of our own rights and privileges".² Indeed, it must be plain to the commonest understanding, that a sound national policy should be, not of the speculative, but of the positive order; that it should be based, not on the probable future with a view to the present, but on the present with a view to the probable future; and that it should be essentially directed, not to the disadvantage of other peoples, but to the advantage of the individual people concerned. Hence, admitting these maxims, it is equally plain that, the existing relations between China and the United States being exclusively of a commercial nature, the true interests of the United States, both present and future, demand that those relations, irrespective of the similar relations of any other country, be constantly widened and extended, so as to give to American commerce and industry the greatest possible development of which at any period they are susceptible. But such is precisely the case of England; and such is precisely the case of almost every other European Power. Consequently the interests of the United States and of England in China are identical, and their policy, therefore, should be identical also; so long, at least, as no political disturbing elements enter into it. And this applies equally to almost every

political relations with China, by means of a private correspondence between the American President and the Emperor (138—142) could have been devised only by diplomatists and statesmen utterly ignorant of Chinese affairs.

² Addresses of Shanghai Communities to the Hon. J. Ross Browne, p. 2.

other European power, excepting Russia. Or, we can put the case, still more strongly and simply, thus: The commercial interests of the United States and England in China are, of their very nature, identical; hence, also, a true commercial policy of both countries relative to China, is necessarily identical. Such a policy will, of course, prevent neither Government from pursuing different political views of its own in regard to ancient Cathay; but to allow mere political views, which may or may not prove correct, or even realisable, to influence and vitiate a sound commercial policy, would manifestly be a grave error on the part of any statesman, whether English or American. It is an error, however, actually committed by the American Government, in adopting a China policy antagonistic to "British interests", and, because those interests, being of a purely commercial character, are identical with the interests of the United States, tending to retard, and actually retarding, the development of the commerce and industry of its own country, simply to gratify a speculative political idea, from the possible future realisation of which much possible future good to the United States, and much possible future harm to England, is expected to accrue.

144. That idea of *securing to the United States a preponderating political influence in China at the expense of England* and the European Powers generally, pursued by the Hon. William H. Seward, and his predecessors in office as American Secretaries of State for Foreign Affairs, has imprinted on the China policy of the United States its third distinguishing feature of—glaring inconsistency: marked by the assumption of a powerful national position, and a truckling subserviency to China, on the one hand; and, on the other, by strenuous endeavours to thwart the progressive policy of European Powers in China, and the determination to reap and appropriate a full share in all the advantages which, despite of its endeavours, may attend that policy. No doubt, too, it was this speculative and, considering the actual condition and relations of China, fantastic idea, which has mainly led the American Government into the fatal error of receiving the Burlingame Mission, and concluding with it the Supplementary Treaty of July 28, 1868, to which we have already alluded. The English text of the latter document reads as follows:—

68

ADDITIONAL ARTICLES TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE TA TSING EMPIRE,
OF 18th JUNE, 1858.

WHEREAS, since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of addition articles thereto: the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries to wit the President of the United States of America, WILLIAM H. SEWARD Secretary of State; and His Majesty the Emperor of China ANSON BURLINGAME, accredited as his Envoy Extraordinary Plenipotentiary, and CHIH KANG, and SUN-CHIA-KU, of second Chinese rank, associated high Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:—

ART. I.—His Majesty the Emperor of China, being of the opinion that in making concessions to the citizens or subjects of foreign powers, of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire, for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said lands and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party, which may be at war with or hostile to the United States, the right to attack the citizens of the United States, or their property, within the said lands or waters: And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party, or their property, with which they may be at war, on any such tract of land or waters of the said Empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property.

It is further agreed that if any right or interest in any tract of land in China has been, or shall hereafter be, granted by the Government of China to the United States or their citizens for purposes of trade or commerce,—that grant shall in no event be construed to divest the Chinese Authorities of their right of jurisdiction over persons and property within said tract of land except so far as the right may have been expressly relinquished by treaty.

ART. II.—The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation with the Chinese Dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly, but not in a manner or spirit incompatible with the Treaty Stipulations of the parties.

ART. III.—The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia or either of them.

ART. IV.—The 29th article of the Treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States

and Chinese converts from persecution in China on account of their faith; it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ART. v.—The United States of America and the Emperor of China, cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, of trade, or as permanent residents. The high Contracting Parties therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws, making it a penal offence for a citizen of the United States, or a Chinese subject, to take Chinese subjects either to the United States or to any other foreign country; or for a Chinese subject or a citizen of the United States to take citizens of the United States to China, or to any other foreign country, without their free and voluntary consent respectively.

ART. VI.—Citizens of the United States visiting or residing in China, shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ART. VII.—Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and reciprocally Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, the Chinese subjects may enjoy the same privileges and immunities in the United States.

ART. VIII.—The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand His Majesty the Emperor of China, reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that, if at any time hereafter, his Imperial Majesty shall determine to construct, or cause to be constructed, works of the character mentioned, within the Empire, and shall

make application to the United States, or any other Western Power for facilities to carry out that policy, the United States will in that case designate or authorize suitable Engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such applications: the Chinese Government in that case protecting such Engineers in their persons and property, and paying them a reasonable compensation for their services.

In faith whereof, the respective Plenipotentiaries have signed this treaty and thereto affixed the seals of their arms.

Done at Washington, the 28th day of July, in the year of Our Lord one thousand eight hundred and sixty-eight.

L.S.

(Signed)

WILLIAM H. SEWARD,

ANSON BURLINGAME,

L.S.

"

CHIH-KANG,

"

SUN CHIA-KU.

This Supplementary Treaty was immediately ratified by the President of the United States. Not so by the Chinese Government.

In his message to Congress, of December 9, 1868, the Chief Magistrate of the North-American Republic states: "We are not advised of the action of the Chinese Government upon the liberal and auspicious treaty which was recently celebrated [*sic*] with its plenipotentiaries at this capital".¹ It was only by Mr. Brown's special mission to Peking (2) and a great pressure exercised upon the Tsung-li Yamên, that the Chinese consent was finally obtained and the exchange of the ratifications effected, on November 23, 1869, long after the extreme term, usually allowed for ratification, had elapsed. Any other, save the American, Government would have looked upon such a delay as offensive; although, in reality, its chief, if not only, reason was, that no power to negotiate a treaty had been granted to the Burlingame Mission; that such a thing, contrary to Chinese principles of State (69), had never entered the thoughts of the Tsung-li Yamên; and that it felt reluctant to take upon itself a responsibility, which it might be sure the Chinese Government would decline. In what manner, or by what expedient, the difficulty has been overcome, is unknown to us. Nor does it matter much, as will be presently seen.

145. Without discussing the various provisions of the curious

¹ Papers relating to Foreign Affairs, Washington, Government Printing Office, 1869, 8vo., Part i, p. 16.

document before us, our only object here is to point out its leading characteristics. We should premise, perhaps, that according to the Chinese text, which alone is understood by, and comes to the knowledge of, the Chinese official world, the treaty—*like all other treaties which have, thus far, been concluded between the Ta Ching Empire and "Western Powers"*—is a convention between "the Exalted Monarch and Highpriest of the World", on the one hand, and "the Great Lord Li-s'i-t'ien-tō of his Tributary Mey State" on the other, *i.e.* a treaty between the Sovereign of the Earth and one of his vassals or feudal lords. We may mention also that, being the first public measure of the Hon. Mr. Burlingame in his capacity as "envoy of Chinese Empire", it destroys that much vaunted edifice of "co-operative policy in China", which, in his capacity of Envoy Extraordinary and Minister Plenipotentiary of the United States in Peking, he had taken so great credit to himself for building up. It may further be noticed, that the treaty is an unstatesmanlike document, inasmuch as, by Art. viii. *f.i.*, the United States Government waives a right of intervention, which it does not possess; disclaims its intention to interfere in the domestic administration of China in regard to *material* improvements only; stipulates, in exchange for those imaginary and questionable concessions, the virtual monopoly of appointing (American) engineers to construct, superintend, and work railways, telegraphs, &c., for the Chinese Government, the which *does* constitute an intervention, such as it disavows on its own part as a right, and professes always to discourage, generally, as a practice; and, finally, assumes an air of guardianship over China, and of patronage towards the European Powers, which might be deemed offensive, were it not ludicrous. But the two principal features of the treaty are: that it is null and void of

¹ *Henry Wheaton*, Elements of International Law, London, 1864, 8vo., p. 443.

² "The full power, authorizing the Minister to negotiate, may be inserted in the letter of credence, but it is more usually drawn up in the form of letters-patent".—*Henry Wheaton*, Elements of International Law. 2nd ed. annotated by Mr. Lawrence, London, 1864, 8vo., p. 388; after *De Martens*, Précis du Droit des Gens moderne de l'Europe, edited by M. Ch. Vergé, Paris, 1864, 8vo., vol. ii, p. 87.

³ "Une seule lettre de créance peut suffire à deux ou à plusieurs envoyés du même Etat, s'ils sont du même rang".—*De Martens*, Le Guide Diplomatique, 4^e éd., Paris, 2 vols., 8vo., vol. i, p. 69.

itself; and that it reflects national discredit on the American Government, and, through it, on the American people.

146. "In order to enable a public minister or other diplomatic agent", we read in Wheaton's International Law, "to conclude and sign a treaty with the government to which he is accredited, he must be furnished with a *full power*, independent of his general *letter of credence*";¹ that is to say, if the former be not contained in the latter.² We have seen that the Burlingame Mission was provided with no full power; that its "full power", in the treaty stated to have been exchanged for the full power of the American plenipotentiary, was a document fraudulently represented as such; and that the Hon. Mr. Burlingame was no more accredited as "Envoy Extraordinary and Minister Plenipotentiary", than his two native co-messengers were as "high Envoys and Ministers". Indeed, the very fact of the three members of the Mission being included in the same Letter of Credence, proved, of itself, their equality in rank and authority,³ and, considering that not even the treaty claims for the native members full powers or plenipotentiary rank, should have warned the Hon. William H. Seward of the diplomatic fraud, which was being practised upon the American Government. How he can possibly have found the "full power" of the Chinese Mission "in due and proper form", is a circumstance which we must leave to himself to explain. What admits of no doubt is, that a treaty, concluded on one side by agents in false characters, without any power or authority from their Government, and on the ground of the falsified translation of a document falsely represented as a full power, is, of its nature, null and void in law; and, therefore, cannot be legalised by ratification. It is, moreover, a maxim of International Law,⁴ that the true consent of both contracting parties

4 "Il faut, pour qu'une convention produise des effets de droit, qu'il y ait :—1° *consentement véritable*;—2° *capacité des parties*;—3° *objet licite et possible des droits qu'il s'agit de créer*;—4° *cause réelle et licite d'obligation*... Il faut d'abord que l'accord, le concours des volontés existe réellement. S'il n'est que le produit d'une contrainte, de *manœuvres frauduleuses ou d'erreurs substantielles*, ce concours n'est qu'apparent; en réalité il n'existe pas. La partie violentée, trompée ou tombée dans une erreur substantielle, n'est véritablement pas en accord, dans sa volonté, avec la volonté des autres".—*Théodore Ortolan, Règles Internationales et Diplomatie de la Mer*, 4^e éd. Paris, 1864, 8vo., tom. i, p. 80, 81.

is necessary to render a treaty valid and binding; that it ceases to be so when it has been concluded under essential misapprehensions or fraudulent manœuvres on one side or the other; and that, under such circumstances, it may be avoided, even subsequent to ratification.¹ But the true consent to Art. viii. of the Treaty, and, therefore, to the Treaty itself, was wanting on the part of the American plenipotentiary, the Hon. William H Seward. This will appear from his despatch of September 8, 1868, to the United States Minister in Peking, which we subjoin:—²

MR. SEWARD TO MR. BROWNE.

DEPARTMENT OF STATE,

WASHINGTON, Sept. 8, 1868.

SIR,—J. Wells Williams, Esq., on the 26th of May last, addressed his dispatch No. 12 to this department...I refer you to that dispatch...being content on the present occasion to bring to your attention the purpose of the dispatch, which he states as follows: "In view of the present revision of the British treaty it is desirable that instructions and powers be furnished to the United States minister in China, if it is deemed best, to enter upon similar negotiations for a revision of the American treaty during the coming year, so that he may be prepared to obtain the same advantages for our countrymen which others enjoy." Mr. Williams adds, "that though the diplomatic mission to the treaty powers in the West, which is now in the United States, was designed, among other objects, to show them that the Chinese Government is not yet prepared to accept all the proposals made to it, there is no determination to resist every change and (to) return to the seclusion of former days."

The additional articles to the treaty of June 18, 1858, which were concluded here on the 28th of June [July] last, which have been duly ratified by the President of the United States, and which have already been sent to Peking for the purpose of being ratified there by the Chinese Government, embrace all the subjects which this Government has deemed to be essential, at the present time, to adjust by an immediate revision of the treaty of 1858 between the United States and China.

In concluding those additional articles, however, this government did not leave out of view the fact that the British government has in contemplation a revision of the treaty between Great Britain and China, with a view to a modification of the tariff and commercial articles contained in the last mentioned treaty.

¹ "Treaties may be avoided, even subsequent to ratification. 1. Upon the ground of the impossibility, physical or moral, of fulfilling their stipulations. Physical impossibility is where the party making the stipulation is disabled from fulfilling it for want of the necessary physical means depending on himself. Moral impossibility is where the execution of the engagement would affect injuriously the rights of third parties. It follows, in both cases, that if the impossibility of fulfilling the treaty arises, or is discovered previous to the exchange of ratifications, it may be refused on

Under these circumstances, the United States refrain from initiating any proposal for a modification of the tariff and commercial articles in their treaty with China. Nevertheless, if any such modifications shall be made in the contemplated revision of the British treaty, it will then be not merely expedient, but absolutely necessary, that the United States shall have for themselves an equal participation of all the benefits and advantages of such modifications.

It is believed that the 30th article of our treaty of 1858 will secure to us all those benefits, without any new stipulation. Nevertheless, to guard against any error or mistake on that point, you are hereby authorized to enter into negotiations with the Chinese Government for a revision of our treaty of 1858, so as to secure to the Government and citizens of the United States the same advantages and benefits which may be secured for the government and subjects of Great Britain in any new articles or treaties which may be concluded between Great Britain and China in the revision of that treaty which is expected to be made.

I think it necessary only to give you one general instruction upon this question, namely that the Chinese Government should be advised and solicited to make all such concessions to internal navigation by steam, by the construction of railroads, and by telegraphs, as largely and as rapidly as a system so entirely new there can be accommodated to the consent and acceptance of the people, who have lived so long and so closely secluded from commercial, social, and political intercourse with the western nations. On the other hand, those desirable changes are not to be pressed with such great urgency as to endanger the stability of the present government or the internal peace and tranquillity of China.

This instruction will be your guide in such debates and discussions as may arise between yourself and the representative of Great Britain or other treaty powers.

We do not allow ourselves to suppose that her Majesty's government will seek or desire to press their proposals for revision beyond the limit which I have described. While they adhere, as we expect they will, to that limit, you will lend them your good offices and cordial support.

Ample powers, corresponding to the principles of this instruction, will, in due time, be sent to you by this department.

A copy hereof will be given to the Chinese envoys now in the United States, for their information. A copy of the same will also be transmitted to our representatives in London and Paris, respectively, with a view to its being used, if necessary, in preserving and maintaining a good understanding between the United States and the treaty powers in regard to the important subjects herein discussed.

I am, sir, your obedient servant,
J. ROSS BROWNE, Esq., &c., &c., &c. WILLIAM H. SEWARD.

this ground. 2. *Upon the ground of mutual error in the parties respecting a matter of fact, which, had it been known in its true circumstances, would have prevented the conclusion of the treaty.* Here, also, if the error be discovered previous to the ratification, it may be withheld upon this ground".—*Henry Wheaton, Elements of International Law, 2nd ed. annotated by Mr. Lawrence, London, 1864, 8vo., pp. 452—3.*

† Papers relating to Foreign Affairs, Washington, 1868, 8vo., Part i, pp. 572—4.

We confess, we hardly know how to qualify the public conduct of the Hon. William H. Seward on this occasion. By a solemn treaty he virtually engages, in the name of the American Government, to abstain from all moral pressure upon the Government of China relative to the introduction of railroads, telegraphs, and other material improvements; obtains, on the strength of that engagement, prospective material advantages from China for the United States and American citizens; and almost in the same breath instructs the American Minister in Peking to apply a moral pressure upon the Chinese Government, short only of endangering its very stability and the internal peace and tranquillity of China, in support of the rapid introduction of a large system of railroads and telegraphs, with the view of at once realising for the United States the material advantages, obtained by a solemn engagement to abstain from every pressure. Whatever view be taken of this proceeding, it clearly attests that the treaty, though ratified, would yet be voidable for China, as it is for the United States, even were it not in law null and void of itself.

147. In the preamble to the supplemental treaty, its provisions are described as a necessity felt, and in his despatch just transcribed, the Hon. Mr. Seward remarks that it "embraces all the subjects which the American Government has deemed to be essential at the present time". Now, not to speak of other points, the American Treaty of Tientsin of June 18, 1858, to which the former refers, contains the following articles:—

VISIT OF THE MINISTER TO PEKING.

ART. v.—The minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital [of His Majesty the Emperor of China],¹ and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for the purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay.

He shall be allowed to go by land, or come to the mouth of the

¹ The words placed by us between brackets, are not in the Chinese text.

² The Chinese text has: "*any dependent State*".

³ The Chinese text has: "*the Capital*".

⁴ The Chinese text has: "*the Ta Ching Dynasty*".

⁵ The Chinese text has not a syllable of "*nation*", and admits the most abject

Pei-ho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate in writing his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey, and give him necessary protection and respect on his way. On his arrival at the capital, he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

RESIDENCE OF U. S. MINISTER AT PEKING.

ART VI.—If at any time his Majesty the Emperor of China shall, by treaty voluntarily made or for any other reason, permit the representative of any friendly nation² to reside at his³ capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

AMERICAN CITIZENS TO ENJOY THE SAME PRIVILEGES AS OTHERS.

ART. XXX.—The contracting parties hereby agree that, should at any time the Ta Tsing Empire⁴ grant to any nation, or the merchants or citizens of any nation,⁵ any right, privilege or favor, connected either with navigation, commerce, political, or other intercourse, which is not conferred by this treaty, such right, privilege, and favor shall at once freely enure to the benefit of the United States, its public officers, merchants, and citizens.⁶

What is the position, thus, in concluding the Burlingame treaty, voluntarily and deliberately taken up by the Government of the United States for the North-American Republic among the Great Powers of the Earth? There is no shutting our eyes to the fact: it is the painful position of a *parasite* as regards the Governments of Europe, of a *mendicant* as regards the Government of China,—a position, utterly unbecoming a great and powerful nation, and one reflecting national discredit, not to say national disgrace, on the American Government, and through it, on the American people. Yet, so completely absorbed would that Government seem to be in the one idea, which has thus far constituted the basis of its China policy (143), that it declares *f.i.* the granting to China “the right to appoint Consuls at the ports of the United States”⁷ to be

dependence of the people of the United States and the West generally on the charity and benevolence of “the Pure Dynasty”.

⁶ Treaties between the United States of America and China, etc. Published by authority. Hongkong, 1862, 8vo., pp. 27—28, 49—50.

⁷ We have reason to believe, that Art. iii of the Supplemental Treaty was

more essential, than the vindication of its political position, in reference to China, as a great, free, and independent Power.

148. And what, after all, have been the fruits of a policy, so ill-devised, unsound, unprincipled, and truckling? ¹ Has the American Government derived any material or political advantages from it? Are the United States so much as held in higher estimation by the One Ruler of the Earth and his Government, than is any other "Tributary State" of his Monarchy? "I regret to say", the Hon. Mr. Reed reports to the American Secretary of State, "that I see nothing to countenance the belief, that the Chinese take any very clear distinction between the United States and other nations; and the tone adopted to Mr. McLane may be regarded as especially offensive". ² Even Dr. Williams expresses himself officially to the same effect. "It is", he writes to the Hon. Mr. Cass, "quite a mistake to suppose, that the rulers of China have any regard to one nation more than another; that they are more friendly, for instance, towards the Americans than towards the English: they may, perhaps, *fear* the English and Russians more than they do the Americans, but they would be glad if none of them ever came near them". ³ This was in 1859. In 1869 the Hon. J. Ross Browne states:— ⁴ It is by no means certain, that the Chinese are disposed to accord to Americans, on account of their forbearance, a higher degree of respect or confidence than they accord to other nations. The impression has obtained in the United States, that they are exceptionally friendly to us. I have discovered nothing, during my residence in Peking, to warrant such an assumption. They regard Americans as they do all foreigners,—with distrust.

suggested to the Hon. Mr. Burlingame by Mr. Hart, partly with the view of lending a certain support to his plan of a Chinese Consul being appointed at Hongkong.

¹ The Hon. J. Ross Browne in his Shanghai Address (p. 8) states: "In all the important conflicts with China which culminated in the treaties of Tientsin, the government of the United States, in conformity with its established policy, maintained a position of *neutrality*. This position, however, furnished no ground for *rejecting* the concessions gained by the use of force". This is putting the case of the United States in a very jesuitical way, and only shows, when a man like the Hon. Mr. Browne finds himself compelled to such an argument, how indefensibly weak that case must be. We are not aware that the American Government was ever pressed or called upon by either China, England, or France, to accept the concessions, which the two latter Powers had forced from the former at a large expenditure of blood and treasure. By their generosity the American Government was *enabled*, not without some trouble, to

What was said by Tsung-ling and his associate commissioners in 1854, that 'the English barbarians are full of insidious schemes, uncontrollably fierce and imperious'; that 'the American nation does no more than follow their direction'; that 'every movement is the conception of the English'; may possibly have undergone some modification since that date; but, if so I fancy it is rather in form than in substance. The experience of Mr. Reed in 1858 was, that 'steadfast neutrality and consistent friendship make no impression on the isolated obduracy of this empire'. 'I never thought', said he, 'that there was on the part of the officials any such distinction; I am now sure of it'. Mr. Williams expressed similar views in 1859". We may add to these opinions of American Representatives, gained by personal experience, also from our own knowledge so far as it extends, that, in consequence of the very policy, hitherto pursued in China by the United States, there is no nation at the present time *held in less esteem* by the Chinese, than is the American. Nor is the fact difficult of explanation. The Tsung-li Yamén may make use of any American citizens, who will lend themselves to its views for pecuniary consideration or otherwise; and it may assume an appearance of greater goodwill towards the United States in the same measure in which it finds her submissive, succeeds in deceiving her statesmen, and hopes to render the latter *subservient to its own ends*: but the Chinese are too astute not to see through the American diplomacy, and too practical to set a higher value upon professions than upon acts. Already in 1854, Iliang, Governor-General of the Kiang, stated in a memorial to the Emperor: "It is the very humble opinion of your slave, that,

secure to itself those concessions—free of cost. And can the Hon. Mr. Browne be really serious in maintaining that, in the case of two contending parties, a third, though merely spectatorial, party insisting on a full share in the spoil of the victor (148), holds a position of *neutrality* in reference to either? How the conduct of an *individual*, analogous to the conduct of the United States in this case, would be qualified, we will leave to the Hon. Mr. Browne himself and the American people to say.

² Papers relating to Foreign Affairs, Washington, 1859—60, vol. x, p. 440. Mr. Reed's despatch, dated Shanghai, October 21, 1858.

³ *Ibid.*, p. 549. Dr. Williams' despatch, dated Macao, January 28, 1859.

⁴ Addresses presented by the American and British Communities of Shanghai to the Hon. J. Ross Browne, U. S. Minister at Peking, and His Excellency's Reply, etc. Shanghai, 1869, 8vo., p. 8.

inasmuch as the American barbarians, heretofore accounted so *submissive*, have taken advantage of the present conjuncture to press their demands, reliance is surely not to be placed on them, nor on their co-operation, though they promise it, on the restoration of order.”¹ A similar reflection cannot but have forced itself upon the Chinese authorities when, after the Hon. Mr. Burlingame had led them to look to the armed support of the United States in the event of any grave difference with other powers (100), they saw an American naval squadron steam out of sight of the coasts of China whilst her southern capital, Nanking, was being threatened with a bombardment by the barbarian English; or when, after the signing of the treaty of July, 28, 1868, the American Government proceeded to urge railroads and telegraphs upon the Tsung-li Yamén, and expressed its determination to secure for itself advantages, relinquished by direct treaty, indirectly by means of the diplomacy or the arms of other powers (146). To be brief: the past China policy of the United States, being made to rest on an unstatesmanlike, immoral, and fanciful basis, has proved a complete failure; and brought nothing but national insult, discredit, and dishonour upon the American Government, and through it, upon the American people. It is high time, in our judgment, that the people and the Congress of the great North-American Republic should look to that policy, and the progressively “painful position” (138), in which it has been allowed to place, and to keep, a great, free, and powerful Christian nation, until it has admittedly become, in the sight of “nearly one half of the human race”, a race of “serfs”, subject to a semi-barbarous and heathen Tatar sovereign, who, as the Son of Heaven, pretends to be the One Absolute Ruler of the Earth and of the peoples of the Earth.

¹ Comp. Mr. Wade's translation in the “Papers relating to Foreign Affairs”, Washington, 1859—60, 8vo., vol. x, p. 459.

§ 16.

RECEPTION OF THE MISSION IN ENGLAND.

149. The Burlingame Mission embarked at New York on the 9th September, 1868, for England, and arrived in London, within a fortnight after its departure, on September 21. Even the "Monster Dragon" (2, 3,) floating over the Grosvenor Hotel, to mark the presence of the "Envoys of Chinese Empire", attracted but little attention in the British Metropolis. For nearly two months the Mission was scarcely heard of.¹ Finally, however, its members were officially received at the Foreign Office, and formally introduced by Lord Stanley to Her Majesty the Queen, at Windsor Castle.

¹ The Hon. Mr. Burlingame having brought to bear whatever influence was within his power on the English Press, and little being known in the West of the true state of affairs in China, he derived a support from the Press, which has greatly contributed to mystify and mislead public opinion as to the real objects and tendencies of his Mission. Among the few London Journals, which offered, from the first, a consistent opposition to it, "the London and China Express", so far as we know, stands foremost. In a notice on "the Chinese Embassy", which immediately preceded its arrival in England, a few sentences occur, which it may not be out of place here to transcribe:—"Burlingame and Bunkum will", the writer anticipates, "soon come to be recognised as synonymous terms. The Chinese Ambassador is of course delighted at the unbounded success of his mission in America, and he has doubtless special reasons for being pleased with Mr. Seward; for in taking leave of that gentleman at Auburn he administered to him a dose of such gross flattery as would nauseate anyone but an American politician. In toasting Mr. Seward he stated:—'The great Secretary Canning said that he had 'called a new world into existence to redress the balance of the old.' Mr. Seward has called an old world into existence to redress the balance of the new. So far Mr. Burlingame's progress has been signalised at every step by the biggest of big talk. After the above-mentioned incident the authorities at Buffalo invited him to a banquet. The Ambassador declined their hospitality, but he made them a speech, in the course of which he said:—'I shall go to Europe, extending to those nations the same hand of goodwill which was so kindly received by the United States; and we trust that our mission will result in the *unification of the whole human race*'. Now this is really magnificent. Mr. Burlingame's aspirations, it will be observed, are just bounded by the limits of creation, and that is all". (The London and China Express, for August 28, 1868).

In general, however, the Press was taken possession of, as it had been in the United States, by those, friendly to the Hon. Mr. Burlingame and Mr. Hart. Among

The Conservative Ministry fell soon afterwards. The Hon. Mr. Gladstone having, on December 4, been charged with the formation of a new Cabinet, the Earl of Clarendon succeeded to Lord Stanley as Secretary of State for Foreign Affairs. On the 26th of the same month, the Hon. Mr. Burlingame had an official interview with Lord Clarendon, who not only was induced by the Chinese Envoy to enter into his views, and to give credence to his palpable misrepresentations; but, with undue haste,¹ to modify, on the strength of those misrepresentations, the Chinese policy of England in a direction, which can hardly fail to lead to another war with the Ta Ching Empire.

150. So far as we are aware, the English Government has published no papers relative to the reception of the Burlingame Mission. No doubt, Lord Stanley is responsible for that reception: but we presume his Lordship will have little difficulty in defending

them, Sir Chas. Wentworth Dilke gained an ominous and most unenviable distinction for himself by a letter, which he addressed, on January 14, 1870, to "The Times". To show its spirit, and the writer's bias, self-conceit, and ignorance of Chinese matters, we will quote from it a few passages:—

"Unfortunately", Sir Wentworth writes, "telegrams play so large a part in modern daily literature that it becomes advisable to caution those who take an interest in Chinese affairs that" [—a strange telegraphic phenomenon—] "the China telegrams are almost invariably coloured by the anti-Chinese party. In the course of the past year the telegraph, for example, has informed us that the Chinese had refused to ratify the new Treaty with the United States" [—virtually true, comp. art. 2—];... "that Mr. Burlingame's credentials had been made out in duplicate, and that the copies differed" [—the truth was, that the quasi-official translation had been falsified—]; "that the proclamation creating the Mission set out that it was sent to 'tributary States'" [—the Imperial *Edict* did; the "proclamation" betrays the writer's ignorance—]; "that Mr. McLeavy Brown had been recalled by the British Government" [—it was to the discredit of the British Government, that the loan of his services was sanctioned and prolonged at all (107)—];... "Little trouble is needed to show that the whole of these statements are false. The Treaty with the United States [concluded July 28, 1868] was ratified on the 23rd of November"; [—1869, comp. p. 327—] "Mr. McLeavy Brown, who appears to have been sent to Peking to report the progress that had been made by the Mission" [—comp. 2—], "and who is known to have stayed while there in the house of Mr. Hart" [—is Mr. Hart, in Sir Wentworth's opinion, perchance, the Emperor of China?—] "is now on his way back to Vienna or St. Petersburg; and the telegram stories about the use of the phrase 'lesser States' are simple fabrications". [—What right had Sir Chas. Wentworth Dilke to make a statement of this kind? Is he a Chinese scholar? Had he obtained so much as a sight of the original Letter of Credence or of a true copy of it? We deem it unnecessary to offer any further comment upon his empty assertions and glaring want of logic—]. "The work of concocting similar productions

the course pursued by him. On the one hand there was, independently of other considerations, the precedent established by the American Secretary of State, the Hon. William H. Seward; "the friendly introduction of the Mission to the Christian States of Europe" by the United States Government (136); and the warm support given to it by the British Minister in China, Sir Rutherford Alcock, all in favor of the reception: on the other hand, there were, we have the right to assume, the same diplomatic documents, which were submitted to the Hon. Mr. Seward (132), submitted to Lord Stanley also, and, previously to the introduction of the Mission to Her Majesty the Queen, by him to Mr. Wade, the Chinese Interpreter of the British Legation at Peking, then on leave of absence in London. If so, no blame whatever can be attached to Lord Stanley, and the whole responsibility of the reception virtually falls upon Mr. Wade. This is a question for Parliamentary interpellation.

is now in progress, with a view, doubtless, to Parliamentary action during the next session, and great credit must be accorded to the Shanghai community for their two last strokes. The publication of a private letter to Mr. Hart, in which his own text and somebody else's comment on it appear to have been so ingeniously mixed up as to deceive one of your contemporaries, but in which Mr. Hart does make one or two very natural admissions as to the Conservatism of the Chinese Government upon the audience question, will hardly, however, prove to be so successful a piece of policy as the "refusal of an audience to the Duke of Edinburgh". Now, in reference to this main point there is no one in Peking who does not know that the request could not have been granted without violating one of the most holy traditions of the Empire, and as the United States and all European Powers have expressly waived the audience question, pending the minority of the Emperor, it is impossible to escape the conclusion that a refusal was courted when the request was made, if indeed we should not go to the extent of believing that the audience was only asked for that it might be refused "... "The unfairness of all criticism, and the untruth of all statements that are based upon the supposition that the Chinese Government has become reactionary, is best shown by what has occurred in reference to the revision of the Treaties, in which the Chinese appear to have granted more than our Board of Trade have thought it advisable to ask; and the experience of the year would seem to prove that there is no amount of progress which may not be hoped for, provided that the temperate policy of Lord Clarendon and Lord Stanley be not exchanged for one of threats and force at the dictation of the China press". (*Sir Chas. Wentworth Dilke's Letter to 'The Times'* as reprinted in "*The London and China Express*" for January 14, 1870).

1 Mr. Robertson also remarks:—"In about two weeks after the formation of the Ministry, and with all the manifold labours attending the assumption of numerous and important duties, Lord Clarendon entered into an arrangement with Mr. Burlingame with astonishing haste, and with all the confidence that he could have shown in the most indisputable cause."—*Our Policy in China*, Westminster Review, January, 1870, p. 182.

The grave character of that responsibility we have already pointed out. It extends to the admittance or the approval of obviously falsified diplomatic documents (80, 132); the official acceptance of a national insult to the Queen, and the people, of England; and the public recognition by the British Government of the Universal and Divine Autocracy of the Emperor of China, and the vassalage of Great Britain as a Chinese Dependency (78, 76-77). Such a position no nation ought to endure, and can endure with dignity. In principle it is absolutely necessary for the political existence of England and the Western States generally, as Sovereign Powers, that China should formally renounce her pretensions to Universal Supremacy, absurd though they be, and as formally recognise the international independence of those States in general, and of England in particular.¹ Practically speaking, it is true that China, at present, does not, and never *may*, possess the material power to enforce what, theoretically, she claims to be her political rights: yet, in connection with her almost inexhaustible resources and the course of military improvements she has recently entered upon, let it be remembered that it was literally for the very same rights that the great civil struggle of our time took place, between North and South, in the United States²; and, what is more to the point, that England, in admitting the Divine Authority of the Emperor of

¹ "Ce n'est que théoriquement parlant qu'on a pu dire que la souveraineté (politique internationale d'un État) n'a pas besoin d'être reconnue ou garantie par une puissance étrangère quelconque. Dans la pratique cette reconnaissance de la part des autres puissances est nécessaire. Elle est aussi fondée en raison".—*Théodore Ortolan, Règles Internationales et Diplomatie de la Mer*, 4^e éd. Paris, 1864. 8^o tom. i. p. 11.

² It is a rather striking coincidence, that the title, which Dr. Bridgman gave to his *Historical Sketch of the United States*, presented by the American Government to the Emperor of China through the Hon. Mr. Burlingame (92), is: 大英聯邦志畧; the single States, 各國, composing the American Union, and held *subject* to the Central Government, being designated as 邦 i. e. "*dependent States*", forming an *integral* part of the North-American Republic One and Indivisible. Nothing, perhaps, could illustrate more clearly the position, assigned by the Emperor of China, in the Hon. Mr. Burlingame's Letter of Credence to the countries of the West. The Chinese Government regards *f.i.* the United States, being one of the single States, 各國 or 邦, subject to the Ta Ching Empire Universal, precisely in the same light, in which the United States Government regards one of the single States 各國 or 邦, composing the Union,—say, the State of Virginia,—subject to the star-spangled Republic.

China as the One Absolute Ruler of the Earth, defeats the aims and objects of her own policy (84); lends to the force of *inertia* and resistance of the Chinese Government a powerful support; and, thus retarding the opening of, and the progress of civilization in, China, on the one hand impairs the interest of her own commerce and industry; on the other hand acts against the best and highest interests of the Chinese people itself. We cannot too often repeat, nor too distinctly impress upon the reader's recollection, that the practical bearing of this question does not lie in the view, which *we* take of the pretensions of the Sovereign of China; but in the view which the Chinese official world and the Chinese people take of, what must necessarily appear to them, the recognised submission of the Western Powers to their Emperor; in the moral effect, which such a view must necessarily produce on the national mind of China; and in the actual strength, which the reigning dynasty and the Chinese Government derive from that moral effect.

§ 17.

THE NEW CHINA POLICY OF ENGLAND.

151. Whatever difference of opinion there may exist as to the justice of the war between England and China, which led to the Treaty of Nanking in 1842, it is generally admitted that the Chinese commerce of the West dates from that treaty; that it was dictated by the most unselfish spirit, in as much as it freely, liberally, and generously granted to other nations a full participation in all the advantages, obtained by England, at a large cost of blood and treasure, for herself; that the succeeding war, resulting in the Treaty of Tientsin in 1858, was forced upon England and France by the Chinese Government; and that, ever since, the China policy of England, almost exclusively restricted to the development of her own commerce and industry, while equally favoring that of the Western world at large, has been marked by a due consideration for the rights of China, a strong sense of fairness and justice towards the Chinese people, and great moderation, forbearance, and goodwill towards their Tatar Government.¹ That "take-her-by-the-throat" or "tyrannic" policy, which the Hon. Mr. Burlingame, in his public

¹ We need hardly remind the reader of the important services, rendered to the Manchu Government, during the Tai-ping rebellion, by "the Ever-Victorious Army", commanded by Lieut.-Colonel Gordon, R.E., with the sanction of H. M. Government (*Wilson, History of the Tai-ping Rebellion*, London, 1868, 8vo., pp. 125—6); nor of its ready consent to Captain Sherard Osborn, R.N., assuming the command of the Lay flotilla (93—98). Has the ruling dynasty of China ever betrayed a sense of the many obligations it owes to England, except by ingratitude and hostility in every shape and form?

² "It was understood to be remarked by several members of the Tsung-li Yamén, at the interview of Monday, that the Chinese in the United States are under American law, and that if Americans would consent to subject themselves to Chinese law in this country (China), they might reasonably expect equal privileges". Here the words of the Emperor S'ien Fêng, previously cited: "Such wild exaltation of oneself can only be relegated to subjects which make one laugh" (140), might not inappropriately have been applied in answer to the Tsung-li Yamén's unreasonable argument; but the Hon. Mr. Browne continues: "This question has been discussed for many years, and it is unnecessary now to repeat the argument advanced. When the Government of China shall deem it expedient to establish a code of laws based upon

speeches, continues to hold up to the abhorrence of the Christian nations of the West, was not only, according to his official despatches to the American Secretary of State, a thing of the past, but in reality was altogether a thing of his own invention, to serve his own political purposes.

152. The policy of England, however, like that of all the Western Powers in actual relations with China, has, in its practical application, been based on three empirical elements, namely: the fact that the Chinese, despite of the oratory of the Hon. Mr. Burlingame, are a semi-barbarous people, to whose laws and judicial administration the lives and the property of foreigners cannot be entrusted; the historical experience of the unreliability of the Chinese Government, and the mendacity and treacherous habits even of its highest officials; and the peculiar constitution of the Chinese Empire. The former fact, involving the so-called right of extraterritoriality, induced Articles xv—xvii of the English Treaty of Tientsin, by which it is laid down, that "Chinese authorities have no jurisdiction over British subjects"; that "each nation is to judge and punish its own criminals"; and that "the British Consul is to hear and decide disputes". The future surrender of this right, under certain conditions, was held out to the Chinese Government by the then American Minister in Peking, the Hon. J. Ross Browne, with the apparent approval of Sir Rutherford Alcock,² at a joint

principles of justice, recognized and accepted by the comity of Western nations, and to which the Government of the United States can safely give its assent, *then this cause of complaint will be doubtless removed*". The Hon. Mr. Browne's Despatch to the Tsung-li Yamén of November 23, 1868, published as an appendix to "Addresses presented by the American and British Communities of Shanghai, etc., Shanghai, 1869, 8vo., p. 13).

In an unpublished despatch of Sir Rutherford Alcock's to the Tsung-li Yamén, dated November 9, 1868, of which we have a copy before us, the British Minister says: "Your Imperial Highness (Prince Kung) remarked that those Chinese (of California) were no doubt subject to American laws and jurisdiction, and if American citizens were equally subject in China to the Chinese laws, they might have all the privileges of Chinese subjects also. The American Minister observed in answer that the difficulty here lay in the fact, that there was no code of laws in China which could be accepted by western states, but as soon as a written code should be in existence based on the same general principles as those constituting the law, with minor modifications, of all the Western world, *the difficulty would cease*. In the mean time" etc. Both Sir Rutherford Alcock and the Hon. Mr. Browne disregard the obvious fact, that the difficulty consists not so much in a proper code of law itself, as in *the administration of such a code in China and by Chinese officials*.

interview, which they had with the Ministers of the Tsung-li Yamên, on Nov. 9, 1868. We merely mention this circumstance as an illustration of the extreme, to which diplomatic folly relative to China is liable to be carried. To surrender the right of extraterritoriality in China would be one of two things: to utterly transform the character and habits of the Chinese people; or else to surrender China to her old, traditional isolation. We doubt, whether even Sir Rutherford Alcock would consider himself equal to working out the former miracle: we feel sure, that no English Ministry will ever entertain so much as the thought of the latter alternative. Upon the second point, alluded to, the entire history of our intercourse with Chinese officials furnishes but one gigantic proof: we may in this place, therefore, confine ourselves to the testimony of the Hon. William B. Reed, the United States Ambassador to China who concluded the American Treaty of Tientsin, and than whom a more unbiassed witness it would be difficult to produce. "I hasten", he writes, on June 30, 1858, in an official despatch to his Government, "to communicate to you the copy of an important document, which has been sent to me from Canton, where it was found among the Viceroy's archives. ...I regret to say, and in this view I have the concurrence of the Secretary of Legation, Mr. Williams, whose long experience entitles his opinion to great consideration, that it confirms the most discouraging judgment as to the relations of the Viceroy to the Imperial court, showing beyond question, that in all that Yeh said and did in relation to the treaty-powers, he was a faithful exponent of the imperial will", and again, on October 21, 1868: "Appended to this despatch will be found copies of a series of very interesting papers, given to me last week by Lord Elgin. They were found in one of the yamuns in Canton in January...They are certainly the most painful revelations of the mendacity and treacherous habits of the high officials of this empire yet given to the world; they cannot be read without contemptuous resentment, and I have no such confidence in my own equanimity and self-control as to determine what might have been my inclination before and after the fall of the Taku forts, had the contents of these papers been known to me...The revelation generally is a very sad one. It

unsettles confidence in the future. No one holding intercourse with their public men can have the least reliance on his words or acts being described with anything approaching to truthfulness. In one sense, it seems, the Emperor knows and directs everything. In another, he knows nothing... One other impression is very distinctly made by these papers. They, in a great measure, justify the coercive policy pursued by the allies in the north. I do not think that Lord Elgin could have acted differently on the assumption, which such disclosures as these seem almost to authorise, that the rules of public law applicable to nations civilised and christianised cannot be made to apply here".¹ The third point, to which we have referred is that, although the feudal system of Government in China has long since been abandoned for one of centralisation, yet the Lord-Lieutenants or Governors General of Provinces (and under them the Prefects of Islands) still possess powers so large as to render them scarcely less independent, than were the feudal Princes of old; and that, a Chinese province being, in the mean, of the size of England with a population of about twenty million souls, while the capital of China is situated towards the north-eastern borders of the Empire, the distances of the Chinese ports, open to foreign trade, from the seat of Government are as vast, as the means of communication are deficient. From this state of matters, peculiar to China, there was from actual experience found to result, on the one hand, the necessity to uphold the right, and to exercise the powers, of extraterritorial jurisdiction in all cases of social law; on the other hand, if not the necessity, certainly the expediency, to settle with the *local* authorities, in cases of international law, any outrages against British subjects by direct negotiation, supported by a display, or the use, of military force, as the only means to obtain a just redress *without endangering our peaceful relations with the Central Government*. The practice, it is true, involved an anomaly; but so does the practice of extraterritorial jurisdiction. Both rest on the same principle; for both there is the same justification: necessity, arising out of the anomalous condition of China. Both pursue the same

¹ Papers relating to Foreign Affairs, Washington, 1859—60, vol. x, 8vo., pp. 360, 438—41.

objects : security to the life and property of the foreigner ; security against international war to the native. The Hon. Mr. Burlingame, as "envoy of Chinese empire", has succeeded in convincing the "Christian" English Government of the day, that the latter object constitutes "the tyrannical element" of its un-Christian "take-her-by-the-throat" policy, in consequence of which it is abandoned : the confidential adviser of the Tsung-li Yamén, Mr. Hart, as originator of the Burlingame Mission, in his foolish and ignorant ambition supported by the ill-guided influence of Sir Rutherford Alcock, has induced another war between Great Britain and the Ta Ching Empire,—a war, which is as sure to follow upon the new China policy of the Gladstone-Bright Cabinet, if persisted in, as the morning follows upon the night.

153. That policy and its motives are explained in a letter, addressed by Lord Clarendon, on December 28, 1868, to the Hon. Mr. Burlingame; and in instructions, conveyed in his despatch of January 28, 1869, to the British Minister in Peking, Sir Rutherford Alcock. We here reproduce both documents. They read thus:—

THE EARL OF CLARENDON TO MR. BURLINGAME.

SIR,—I gathered, from the conversation which I had the honour to have with you on the 26th instant, that the objects of the Chinese Government in sending a diplomatic mission to Europe were twofold ; one, that by means of such a mission the European Powers might be disabused of an impression which it was supposed at Peking that they entertained, that the Chinese Government had entered upon a retrograde policy, and contemplated not only refusal to enlarge their relations with Christian nations, but even restriction within narrow limits of the intercourse which, under treaty, those nations were now entitled to hold with the Chinese dominions ; the other, to deprecate any intention on the part of European Powers to bring to bear on China any amount of unfriendly pressure to induce her rulers to enter precipitately on a new system of policy which would seriously affect her independence.

I understood from you that the Chinese Government were fully alive to the expediency, or even necessity, for their own interests, of facilitating and encouraging intercourse with foreign nations ; that they were sensible of the advantages that would result from a greater assimilation of their rules and practice to those of other nations, and from the adoption of the improvements by which the industry of Europe had been so much developed, and the happiness of its people so much increased ; but that with all this they felt that any attempt abruptly to introduce new systems or new ideas, among a people whose knowledge of foreign nations was of recent date, and who had been brought up under a traditional system to which they had been accustomed and attached, would not only produce confusion

and even revolution in the country, but would tend to retard instead of promoting the progress, the necessity for which the Chinese Government fully admitted and were desirous to encourage, though they wished to be allowed to do so by degrees, and without any sudden and violent shock to the feelings, passions, and even prejudices of their people.

Her Majesty's Government, I informed you in reply, fully admitted that the Chinese Government were entitled to count upon the forbearance of foreign nations; and I assured you that, as far as this country was concerned, there was neither a desire nor an intention to apply unfriendly pressure to China to induce her Government to advance more rapidly in her intercourse with foreign nations than was consistent with safety, and with due and reasonable regard for the feelings of her subjects.

But Her Majesty's Government, I said, expected from China a faithful observance of the stipulations of existing treaties, and reserved to themselves the right of employing friendly representations to induce the Chinese Government to advance in the course opened up by those treaties, and to afford greater facilities and encouragement and protection to the subjects of foreign Powers seeking to extend commercial intercourse with the Chinese people.

Her Majesty's Government feel that they may fairly appeal to the Chinese Government, though always in terms of friendship, to act in this spirit towards themselves and other foreign nations; and they would do so with the more confidence because they may be excused for believing that the interests of China will be advanced in a far greater degree than those of foreign nations, by steadily availing herself of the opportunities within her reach for applying to her Empire the skill and experience of the nations of Europe.

But Her Majesty's Government are, moreover, entitled to expect from China, as an indispensable condition of their goodwill, the fullest amount of protection to British subjects resorting to her dominions. They are aware that the provincial governors are too often in the habit of disregarding the rights of foreigners, trusting to impunity as regards the Central Government of Peking, and to the unwillingness of foreign Powers to assert the rights of their subjects by local pressure.

Her Majesty's Government feel that they are acting in the interest of the Chinese Empire when they announce their preference for an appeal rather to the Central Government than to local authorities for redress of wrong done to British subjects. It is with the Central Government, and not with the provincial authorities, that foreign Powers have entered into treaties, and it is for the interest of the Central Government that foreign Powers should recognise its supreme authority over its provincial governors, and that the Central Government should assume, and on all occasions when appealed to for the redress of local wrongs, be prepared to exercise that authority.

These observations will, I trust, enable you to reassure the Government of Peking as to the friendly feelings entertained towards it by the British Government. It rests with the Central Government so to order its intercourse with Great Britain and the Queen's subjects as to avoid cause of difference, and to preserve, unimpaired, the friendship of this country.

December 28, 1868.

(Signed)

CLARENDON.

LORD CLARENDON TO SIR RUTHERFORD ALCOCK.

SIR,—I have to instruct you to explain to Her Majesty's Consuls that the special purposes for which Her Majesty's ships-of-war are stationed in the ports of China, and employed on the coasts, are to protect the floating commerce of British subjects against piratical attacks in Chinese waters, to support Her Majesty's Consuls in maintaining order and discipline among the crews of British vessels in the respective ports, and, in cases of great emergency, to protect the lives and properties of British subjects if placed in peril by wanton attacks directed against them, either on the part of local authorities or by an uncontrolled popular movement. As regards this last point, Her Majesty's Consuls must constantly bear in mind that the interference of naval force, either on their representation or on the part of naval officers acting on their own estimation of facts before them, will alone receive the subsequent approval of Her Majesty's Government, when it is clearly shown that without such interference the lives and properties of British subjects would, in all probability, have been sacrificed; and even in such a case Her Majesty's Government will expect to learn that the alternative of receiving them on board ship, and so extricating them from threatened danger, was not available. Beyond this, the circumstances of the case must be of a very peculiar nature which would be held by Her Majesty's Government to justify a recourse to force. Her Majesty's Government cannot leave with Her Majesty's Consuls or naval officers to determine for themselves what redress or reparation for wrong done to British subjects is due, or by what means it should be enforced. They cannot allow them to determine whether coercion is to be applied by blockade, by reprisals, by landing armed parties, or by acts of even a more hostile character. All such proceedings bear, more or less, the character of acts of war, and Her Majesty's Government cannot delegate to Her Majesty's servants in foreign countries, the power of involving their own country in war. My despatches, to which I have referred, will have enabled you to point out in unmistakable terms to Her Majesty's Consuls, the course they are to pursue when an emergency calling for immediate action, as the sole means of protecting British life and property, has passed away. They must appeal to Her Majesty's Minister at Peking to obtain redress through the action of the Central Government; and he, on his part, if he fails to obtain it, will submit the case for the judgment of Her Majesty's Government, with whom alone it rests to decide as to the course to be thereupon pursued. I shall furnish the Board of Admiralty with a copy of this despatch, in order that they may send corresponding instructions to the Admiral in the Chinese Seas.

I have only to add that all Her Majesty's agents in China have been instructed to act in the spirit and with the objects which I have thus explained to you, and generally caution British subjects to pay due respect, not only to the laws of the Empire, but, as far as may be, to the usages and feelings of the Chinese people.—I am, &c.

January 28, 1869.

(Signed) CLARENDON.

If the logic of facts, which underlie Lord Clarendon's letter to the Hon. Mr. Burlingame, were as true as is the logic of his calm, lucid, and statesmanlike composition, the policy, based upon it, might be

unassailable. Such, however, is far from being the case. His Lordship was deceived by the wilful misrepresentations of a hired envoy of the Chinese Government. It is in allowing himself to be thus deceived, and hastily *acting* upon empty assurances, gainsaid by the past record of facts, which should, more especially under the peculiar circumstances attending the Mission, have led him to suspect, if not to discredit, those assurances, that his responsibility, and that of the Gladstone Ministry, rests. The erroneous impressions, conveyed to Lord Clarendon, and under which he would seem to have framed his instructions to Sir Rutherford Alcock, are: 1stly, that the Chinese Government were, and are, favorably disposed to facilitate, encourage, and promote foreign intercourse, and to assimilate their principles, forms, and methods of public rule and action to those of Western nations; 2dly, that the feelings, passions, and prejudices of the Chinese people are opposed to progress, the introduction of improvements, and the free extension of foreign commerce; 3dly, that the too rapid adoption of a policy, in conformity with its own wishes, as well as those of the Western Powers, might endanger the existence of the Chinese Government, the internal peace of the Empire, and lead to anarchy and confusion; 4thly, that the unwillingness to redress any wrong done to British subjects, rests with the provincial governors and the local authorities; 5thly, that the Central Government possesses both the power and the inclination to exercise its authority over the provincial governors, and to redress local wrongs inflicted by its subjects upon foreigners; and 6thly, that the Chinese Government is a Body, not of semi-barbarous, mendacious, and treacherous (Asiatic) officials; but of highly-enlightened, cultivated, well-bred, veracious, and honorable (Western) gentlemen, "fit", in the solitary opinion of the Hon. Mr. Burlingame, "to sit at the council-board of (Christian) nations". Upon the latter point we deem it unnecessary to offer any further remark. That the remaining propositions are in diametrical opposition to the truth, or almost wholly so, we shall endeavor to show in our subsequent observations on the Western policy, and the diplomacy, of the Chinese Government.

154. As to the instructions of Lord Clarendon, embodying the

new China policy adopted, at the instance of the Burlingame Mission, by the Home Government, they present three or four characteristic features—every one of which attest their unsound and ill-considered nature—namely : positive impracticability ; disregard of existing conditions and agreements ; neglect of public duty relative to a due protection of British lives and property in China ; and relinquishment of one of the distinctive principles of British traditional policy. In theory, it is, no doubt, a correct maxim, that, in the event of outrages actually committed upon British subjects in China, the local English Consul should appeal to Her Majesty's Minister at Peking to obtain redress through the action of the Central Government ; and it may or may not be another correct rule, that he, on his part, if he fail to obtain redress (by diplomatic means), should submit the case to the judgment of Her Majesty's Government, with whom alone it rests to decide as to the course to be thereupon pursued. In practice, however, it is different. The theory assumes, that there exists, on the part of the Central Government of China, the disposition to act with fairness and justice in the eventualities supposed, and that it possesses the power, as well as the will, not only to cause due and impartial local investigations to be instituted, even at the extremities of the Empire, but to have the proceedings also correctly reported to Peking ; that the rapid means of communication in China are proportionate to the vast extent of the country ; that the British Representative in Peking is so devoid of sense and judgment, and so unfit for his responsible post and the discharge of his important functions, that, with all the advantages of local and special knowledge and experience at his command, he can be entrusted with no decision upon the exigencies of a supervening difficulty ; and that, in China, the local enforcement of treaty-rights, or just claims, by "proceedings, bearing more or less the character of acts of war", is liable to involve England in war with the Ta Ching Empire. Now, all these presumptions are either erroneous or untenable. We are not acquainted with one single case, in which a spontaneous willingness to redress wrong, done to foreigners in China, has been manifested by the Tsung-li Yamên ; but even, for argument's sake,

admitting here that the will existed, it is a notorious fact, that an impartial inquiry into international differences by Chinese officials is, from their own bias, fears, and policy, and the lying habits of the people, as completely out of the question, as is a true report, on their part, of the circumstances, such as they may be actually elicited. Supposing now some gross outrage upon British subjects, attended with the loss of life and property, to have taken place at Canton. The Consular appeal for redress through the action of the Central Government, or rather the Tsung-li Yamén, may reach Peking in about a fortnight's time, and the Chinese version of the affair possibly sooner. But on an application by the British Minister, the Tsung-li Yamén will pretend to have received no information on the subject; convey to His Excellency the assurance that prompt inquiries shall be made; and gain a preliminary respite of some four months,—an ordinary messenger overland being supposed to travel at the rate of about fifty miles a day. In due course, the Chinese official report is "received". It is found to present essential discrepancies as compared with the Consular report. They necessitate a first reference back to Canton, and, in succession, a second, a third, a fourth one; until the patience of the British Minister is exhausted and, "having failed to obtain redress (by simple diplomatic negotiation)", he submits, after the lapse of a couple of years, "the case for judgment to Her Majesty's Government". If it be a case of grave import, the Tsung-li Yamén may possibly send a Burlingamian "messenger extraordinary", to explain it *vivâ voce* to the satisfaction of the Foreign Office. If not, "Her Majesty's Government" will have to devote a few months to the perusal of an endless heap of contradictory and irreconcilable evidence, and finally "decide as to the course to be thereupon pursued"; i. e. to decide, whether it will sacrifice justice and British interests to Chinese outrage and unscrupulosity, or whether it will authorise Her Majesty's Minister at Peking to despatch, after all, "the inevitable gun-boat", as the only means to enforce redress. Redress, of course, would thus be obtained in the end; but with this serious disadvantage that, not only would the delay have weakened the prestige of England and encouraged ill-disposed natives to commit fresh outrages

in the meanwhile; but under the circumstances supposed, the actual employment of military force,—then rendered unavoidable—, by the British Government, to settle a direct dispute with the Chinese Government, would constitute *an act of war*: whereas, if the matter had been left to the discretion of the British Minister, it would have been settled immediately; produced a salutary effect preventive of further outrages; and *tended to preserve the international peace*: because even an act of military coercion or conflict, arising out of the refusal or the unwillingness of provincial authorities to carry into effect Articles xvi—xviii of the Treaty of Tientsin,¹ could and would by the Central Government be viewed in no other light, save that of an incidental and justifiable act of hostility between the local Consular authorities of England and the local Provincial authorities of China, induced by a desire, in the interests of both Governments, by upholding the treaty, to uphold the friendly relations, binding the two countries. Certainly, if Her Majesty's Government appoint Ambassadors and Superintendents of Trade to China, avowedly unfit for their post, the question assumes a different aspect; but only in this sense that, by thus acting, Her Majesty's Ministers neglect their public duty, and invite Parliament to inquire into a matter, so deeply affecting our commercial and national interests. The Bruce, Alcock, and Wade have too long, already, been suffered to work mischief at one of the most important British Legations in the East. Events have occurred and are impending, which render it imperative, that the latter Chargé d'Affaires should at once be replaced at Peking by an Ambassador, to whom,—in conjunction

¹ These Articles read as follows:—

Each Nation to judge and punish its own criminals.

ART. xvi.—Chinese subjects, who may be guilty of any criminal act towards British subjects, shall be arrested and punished by the Chinese authorities, according to the laws of China.

British subjects, who may commit any crime in China, shall be tried and punished by the Consul, or other public functionary authorised thereto, according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides.

British Consul to hear and decide Disputes.

ART. xvii.—A British subject having reason to complain of a Chinese, must proceed to the Consulate and state his grievance. The consul will inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese have reason to complain of a British subject, the consul shall no less listen to his

with the Representatives of Russia,² the United States, and North-Germany, and the Envoy, whom France may appoint,—England can safely entrust *the adjustment of the Future of China*.

155. Lord Clarendon writes to the British Minister at the Northern Capital thus: "I have to instruct you to explain to Her Majesty's Consuls that the special purposes for which Her Majesty's ships-of-war are stationed in the ports of China, and employed on the coasts, are to protect the floating commerce of British subjects against piratical attacks in Chinese waters, to support Her Majesty's Consuls in maintaining order and discipline among the crews of British vessels in the respective ports, and, in cases of great emergency, to protect the lives and properties of British subjects if placed in peril by wanton attacks directed against them, either on the part of local authorities or by an uncontrolled popular movement. As regards this last point, Her Majesty's Consuls must constantly bear in mind that the interference of naval force, either on their representation or on the part of naval officers acting on their own estimation of facts before them, will alone receive the subsequent approval of Her Majesty's Government, when it is clearly shown that without such interference the lives and properties of British subjects would, in all probability have been sacrificed; and even in such a case Her Majesty's Government will expect to learn that the alternative of receiving them on board ship, and so extricating them from threatened danger, was not available. Beyond this, the circumstances of the case must be of a very peculiar nature, which would be held by Her Majesty's

complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the consul cannot arrange it amicably, then he shall request the assistance of the Chinese authorities, that they may together examine into the merits of the case, and decide it equitably.

Protection of Lives and Property of British Subjects.

ART. xviii.—The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects, whenever these shall have been subjected to insult and violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law.

² Since § 11, Art. 106, was printed, the Russian Minister General Vlangali has returned to his post in Peking.

Government to justify a recourse to force".—We doubt, whether the Gladstone-Bright Administration, whose views Lord Clarendon expresses, ¹ could well have given a stronger proof of what might be termed its national disloyalty, and its incompetency to guard British interests in China,—a proof, serving at the same time as a further illustration of its ignorance of affairs, connected with the Ta Ching Empire. As the chief special purpose of the presence of British men-of-war in Chinese waters, his Lordship names: the defence of English commerce against piratical attacks. In making this statement, H. M. Secretary of State for Foreign Affairs shows that Articles xviii—xx of the Treaty of Tientsin ² were not present to his memory. By those articles the Chinese Government is bound, and undertakes, to afford to the persons and property of British subjects the fullest protection against the consequences of all acts of violence on the part of its subjects, including of course acts of violence at sea *i.e.* piracy. In regard to piracy, however, special

¹ Since the above was written, Alexander Matheson, Esq., as Chairman of a Deputation to Lord Granville,—who succeeded the late Lord Clarendon as Secretary of State for Foreign Affairs,—on the subject of the Tientsin Massacre, addressed to his Lordship a letter, dated London, September 15, 1870, from which we extract the following passage:—"In presence of such grave events, and in the knowledge that a spirit of hostility to foreigners is being industriously propagated (in China), the greatest apprehension and alarm is felt by British subjects, and the object of the deputation was respectfully to represent the facts, and to inquire whether your Lordship has taken, or means to take, any steps for the more effectual protection of the lives and property of British subjects in China, prosecuting their lawful callings under the Treaty between Great Britain and that Empire...It is with no small concern we have heard, on what appears to be undoubted authority, that the naval officers on the China stations are forbidden by instructions from the Admiralty to land their men under any circumstances even to protect life when it is threatened, and are to confine the assistance, they may afford to British subjects, to simply receiving on board their vessels such as may be compelled to seek an asylum when they are attacked. We most earnestly entreat that Her Majesty's Government will reconsider this determination, and will not lose a day in authorising the naval and military officers, in the exercise of their discretion, or under the orders of Her Majesty's representative, to afford the most ample protection to British subjects, and to use all measures that may be required to prevent the commission of outrages which may, at any time, be threatened". ("The London and China Express" for September 16, 1870, p. 901.)

In answer to this portion of Mr. Matheson's letter, Mr. Otway, Under-Secretary of State for Foreign Affairs, by direction of Earl Granville, writes on the following day: "I am to remark further, that the standing instructions to Her Majesty's Consuls and naval officers in China, as to the employment of Her Majesty's ships of war, are, in cases of great emergency, to protect the lives and property of British subjects

measures were concerted for its suppression by united action.³ Let us then, suppose the case of a richly-laden British merchant-vessel towards night-fall, within sight of an English gun-boat, to be followed by a well armed Chinese junk, *flying the Imperial Dragon*, to which Prince Kung warned the Foreign Powers that "no impertinence was to be offered" (94). Would, under his present instructions, the English naval officer, in command of the gun-boat, and knowing no more of Chinese, than the commander of the junk may be supposed to know of English, feel authorised to board the Chinese vessel, and on the strength of his mere *personal conviction* as to her piratical character and intentions, to take her to the nearest open port or, in the case of resistance, to sink her? Hardly. Finding himself unable to "show clearly" to the satisfaction of Her Majesty's present Government that, but for his interference, lives and property of British subjects on board the merchant-vessel would, in all probability have been sacrificed: the

if placed in peril by wanton attacks directed against them, either on the part of the local authorities, or by an uncontrolled popular movement". ("The London and China Express" for September 23, 1870, p. 926.)

³ For ART. xviii, see above, page 353, Note. The two following Articles read thus:—

Pirates to be punished and property restored.

ART. xix.—If any British merchant-vessel, while within Chinese waters, be plundered by robbers and pirates, it shall be the duty of the Chinese authorities to use every endeavour to capture and punish the said robbers or pirates, and to recover the stolen property, that it may be handed over to the consul for restoration to the owner.

Shipwrecked Crews to be kindly treated.

ART. xx.—If any British vessel be at any time wrecked or stranded on the coast of China, or be compelled to take refuge in any port within the dominions of the Emperor of China, the Chinese authorities, on being apprised of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and shall be furnished, if necessary, with the means of conveyance to the nearest consular station.

³ The two Articles of the Treaty of Tientsin, referring to this subject, read as follows:—

Rights of British national vessels in China.

ART. lii.—British ships-of-war coming for no hostile purpose, or being engaged in the pursuit of pirates, shall be at liberty to visit all ports within the dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water, and, if occasion require, for the making of repairs. The commanders of such ships shall hold intercourse with the Chinese authorities, on terms of equality and courtesy.

United action to suppress Piracy.

ART. liii.—In consideration of the injury sustained by native and foreign commerce from the prevalence of piracy in the seas of China, the high contracting parties agree to concert measures for its suppression.

only alternative presenting itself to him would be either to leave the vessel, under the protection of the pretendedly Imperial war-junk, to her fate,—unless the commander of the gun-boat should be able to keep the vessel in sight, and feel justified to convoy her, so long as it might suit the pleasure of the junk—; or else to “receive them on board H. M. ship”, *i.e.* “the lives and properties”—including of course the merchant-vessel itself—, “and thus extricate them from threatened danger”. What, if the gun-boat happen to be large enough only to take a portion of the “threatened” lives and property on board? and whither to carry the whole or part: to the nearest open port, the port of despatch or the port of destination? whether the maritime Insurance Offices, or the merchants interested, be expected to bear the losses and expenses incurred? or whether Her Majesty’s present Government would be willing to do so? Upon all these points the instructions of Lord Clarendon are mute. Assuming, on the other hand, that the English merchant-vessel had, in the darkness of the ensuing night, been boarded, plundered, and afterwards set on fire, by the junk, whether an Imperial vessel or a piratical craft; that the latter had escaped; and that the English gun-boat had, on the next day, only succeeded in ascertaining the fate of the former: would Her Majesty’s Government be prepared to accept the responsibility of its policy in such a case? and to press and finally, after protracted and undignified diplomatic negotiations, to *enforce* a just claim for the lives and property of British subjects, thus lost, *against the Central Government of China*? Such a use of naval force, as we have previously observed, would constitute an act of war, and *could be resorted to by England only after a previous declaration of war.*

156. Of the second purpose, for which, according to Lord Clarendon, H. M. men-of-war are stationed on the Chinese coasts, namely, “to support Her Majesty’s Consuls in maintaining order and discipline among the crews of British vessel in the respective

¹ *H. Lang*, Shanghai considered Socially. Shanghai, 1870, 8vo., p. 33.

² See, below, the letter of the Shanghai Chamber of Commerce.

³ We presume, it is to this fact that the most unsatisfactory wording of ART. xviii of the Treaty of Tientsin (see above, p. 353, Note) is owing. Instead of binding the Chinese authorities, or rather,—according to the present views of Her Majesty’s

ports", we need only say that, so far as our knowledge extends, no occasion for such a use of H. M. ships in Chinese waters has ever presented itself; and, if once the idea were to occur to the English sailor, that H. M. "inevitable gun-boat" is designed to act as a kind of moral check and restraint upon his conduct in foreign ports: its presence might anything but tend to promote the object, contemplated by Her Majesty's Government. The last and least, however, of the special purposes, for which we learn that H. M. ships are sent to China is, "in cases of great emergency" to protect the lives and property of British subjects on *terra firma*. Let us not be misunderstood. Not the protection is to take place on *terra firma*; but, whilst "the floating commerce" of British subjects is to enjoy the right to national protection,—such a "protection" as the term is understood to convey by the Gladstone-Bright Cabinet,—not from ashore, but afloat: the lives and property of British subjects, exposed to danger, not afloat, but ashore, are also to be "protected" *afloat* only. To take the Settlement at Shanghai. It contains the homes of about eighthundred British subjects,¹ and stores British property of an estimated value of not less than ten million pounds sterling.² This is exclusive of the lives and property of American, North-German, French, and the subjects of other Foreign States. 'The principal part of the Settlement forms an agglomeration of "palaces"—villas and mansions, of which any Western City might be proud. The soil, on which it stands, may in theory be claimed by the Emperor of China as his own (24); but, to all intents and purposes, the English portion of that Settlement is a part and parcel of the British Dominions; is subject to British Law; and has as great a right to British national protection, as has the port of Cork, the City of Calcutta, or the Island of Hongkong. Yet, to the Shanghai Settlement Her Majesty's Government denies an effective protection, the duty of which, by the Treaty of Tientsin and previous public acts, it has solemnly taken upon itself.³ It

Government,—the Central Government of China at all times to afford the fullest security to the persons and property of British subjects from insult and violence on the part of its own subjects, in order to avoid the necessity of standing protective measures on the part of Her Majesty's Government, and holding the former responsible for any consequences arising out of its neglect of that duty: the Article in

is on H. M. sloop-of-war "Zebra" of 951 Tons and 200 Horse-power, that this negative kind of "protection", so far as Shanghai is concerned, has of late chiefly, almost solely, devolved. Suppose the Chinese Government, in view or contemplation of early hostilities with England, were, what it has at all times a perfect right to do, to concentrate a large military force, professedly for purely defensive purposes, but really for the purpose of taking the Foreign Settlement by surprise, or that to all *appearance* an uncontrolled movement were preparing, on the part of the native mob, to pillage and burn the Foreign Settlement, and to massacre its foreign population: the only "protection", which the commander of H. M. ship "Zebra", under his present instructions, would be able to afford to the persons and property of British subjects in Shanghai, consists in an offer to "extricate them from the threatened danger" by "receiving them on board ship". But what—considering that the accommodation of H. M. ship "Zebra" is restricted to a reception, say, of the children or the ladies' ban-boxes only,—*if the offer of her commander be declined?* In that event, manifestly, his only "alternative" would be to leave the British Settlement to its fate; to watch, afloat, the burning of its palaces, the massacre of its citizens, the worse than massacre of their wives and daughters; and to "report the case" to Her Majesty's Government, who would thereupon "determine what redress or reparation for the wrong *done* to British subjects might be due, and by what means it should be enforced". Once more: let us not be misunderstood. We would not even be suspected of believing that, in such a case as we have assumed, or under any similar circumstances, there is an officer in Her Majesty's Navy, who, if he had ten commissions to lose, would not, without a moment's hesitation, cast them, together with his instructions, to the wind, and perform his duty as ENGLAND would expect him to perform it. We are not speaking of the spirit, which has ever distinguished Her Majesty's Navy: we are speaking of the spirit, which at this time is darkening the counsels of Her

question presupposes that, whether from inability or neglect, Her Majesty's Government has failed to protect its own subjects; and is, in the highest degree improperly so, framed with a sole view to the protection, by the Chinese authorities, of British

Majesty's Government, and exposes the lives and property of British subjects in China to greater dangers, than does the entire hostile power of the Ta Ching Empire. For what has here been said of Shanghai, applies virtually to every other British Settlement within the Tatar Dominions.

157. A matter of such importance has naturally engaged the serious attention of both the Municipal Council and the Chamber of Commerce of one of the greatest emporiums of Western trade in the East; and we cannot refrain from subjoining the correspondence, which has recently taken place on the subject between the Chairmen of those two Institutions; H. M. Consul at Shanghai, Mr. Medhurst; and the Earl of Granville, Her Majesty's Secretary of State for Foreign Affairs.

THE MUNICIPAL COUNCIL TO H. B. M. CONSUL.

Council Room, Shanghai, 22nd July, 1870.

SIR,—The Council learn that Officers in command of Her Majesty's ships-of-war at this port have received instructions which will prevent their landing men or guns for the defence of any Foreign Settlement in China, and that they are only empowered to protect the shipping and cover the retreat of residents.

On behalf of the Council I beg to enquire whether such is the case, in order that the community may clearly understand what amount of assistance they are to expect from Her Majesty's vessels-of-war in the event of an attack being made upon the Settlement.

Although I now address you in the interests of all nationalities residing within this Settlement, I need scarcely remind you that the British residents very largely preponderate, and the value of British property at stake amounts to at least fifteen millions sterling.

I may also state, for your information, that the members of this community are not prepared to desert their property and seek refuge on board ships in the river, and that their determination is to attempt to defend the Settlement from any attack, to the best of their power.

It is possible that they may not succeed, if left unsupported by the naval forces of the country which ought to be most interested in protecting the lives and property of its subjects, unless assistance is tendered by ships-of-war belonging to other nationalities, but they are nevertheless determined to make the attempt; and I shall feel greatly obliged by an early reply, in order that the Council may arrange so far as possible for all contingencies.

I have &c.,

W. H. MEDHURST, Esq.,
H. M.'s Consul

G. B. DWELL,
Chairman, Municipal Council.

subjects, who, by the British Government have been left without protection, and *deliberately* exposed, on the part of the Chinese populace, to acts of insult and violence, assumed to be offered as a *matter of course*.

H. B. M.'s CONSUL TO THE MUNICIPAL COUNCIL.
BRITISH CONSULATE,

Shanghai, 23rd July, 1870.

SIR.—I have had the honor to receive your letter, dated yesterday, in which you enquire, what is the nature of the assistance which the community may expect to receive from H. M.'s ships in port, in the event of an attack being made upon the settlement by the Chinese.

Immediately upon receipt of your communication, I referred it to Captain Moore, R. N., H. M.'s Senior Naval Officer, and he kindly placed in my hands, by way of reply to your query, the written instructions from Her Majesty's Naval Commander-in-chief, under which he is acting.

I find from a portion of these instructions that one of the special purposes, for which Her Majesty's ships-of-war are stationed in Chinese ports is to afford protection in cases of great emergency to the lives and properties of British subjects, when imperilled by wanton attacks, either on the part of the Local Authorities, or of uncontrolled masses of people. But this general definition is qualified by the warning that the interference of a Naval force in any emergency is alone likely to receive the subsequent approval of Her Majesty's Government, when it can be clearly shewn that without such interference the lives and properties of British subjects would in all probability have been sacrificed, and even in such a case Her Majesty's Government will expect to have it established to their satisfaction, that the alternative of rescuing the British subjects by receiving them on board was not available.

In another part of the instructions it is ordered that protection to the lives and properties of British subjects is, as a general rule, to be limited to affording them an asylum on board ship, and to securing them by boats an escape from the shore when their departure may be a measure of necessary precaution, and the interposition by force is only to be had recourse to when they are actually in danger from violence which cannot be controlled. An armed force shall not be landed for the protection of Her Majesty's subjects, unless there is reason to apprehend that, without such assistance, the lives and properties of British subjects may be sacrificed.

From the general tenor of these instructions, it is open to you to conclude that the assistance of Her Majesty's Naval forces will not be afforded, save in those cases where danger to life is imminent, or where property is likely to be sacrificed by a wanton attack, either on the part of the Authorities or on that of an unruly mob. But it would seem doubtful whether Her Majesty's forces would be justified under these instructions in taking active measures to prevent any such attack, by landing men or guns, or by taking up such positions of defence in the Settlement or without it, by way of precaution, as would deter or discourage an attacking party. Neither do I conceive that any assistance can be rendered by way of patrol, reconnoitre, or otherwise.

Precautionary measures, in fact, do not seem to be contemplated by the instructions as now constituted, but merely the affording of such assistance as may be necessary in the event of an actual attack, to the preservation of life, or to the protection of property from destruction.

At the same time I feel confident that Captain Moore and the officers of Her Majesty's Navy generally will always be prepared to use every effort

in so construing the instructions as to render them as far as possible subservient to the interests of the community in the exceptional circumstances in which they are placed.

I propose to submit a copy of your letter, and of this reply, to Her Majesty's *Chargé d'Affaires* at Peking, for the information of Her Majesty's Secretary of State for Foreign Affairs.

Your obedient Servant,

GEO. B. DIXWELL, Esq.,
Chairman Municipal Council, Shanghai.

W. H. MEDHURST,
H. B. M.'s Consul.

THE MUNICIPAL COUNCIL TO THE CHAMBER OF COMMERCE.

Council Room, Shanghai, 29th July, 1870.

SIR,—I beg to enclose you a copy of a letter addressed by me to Her Britannic Majesty's Consul, with respect to the degree of countenance and assistance which H. B. M.'s ships-of-war would extend to the Foreign Community of Shanghai in case of danger, and also a copy of his reply.

You will perceive that many valuable lives and much property might be sacrificed on the occasion of an attack, before the contingency arose which would justify the commanders of Her Majesty's ships-of-war in landing men, under a strict interpretation of the instructions, whereas a few precautionary measures might ward off and prevent all danger whatever. The instructions in fact appear to have been framed with a view to small places, and not to have contemplated the case of a community like Shanghai, which is altogether too large to be taken on board the ships in harbour, and yet scarcely numerous enough to be expected to wage war upon its own account against the open or covert attacks of the Empire of China.

As the amount of British property which is liable to be destroyed in Shanghai on such an occasion would be very large, the Chamber of Commerce may think it advisable to address Her Majesty's Government upon the subject.

I am, &c.,

ALEXANDER MICHIE, Esq.,
Chairman of the Shanghai Chamber of Commerce.

GEORGE BASIL DIXWELL,
Chairman.

THE CHAMBER OF COMMERCE TO EARL GRANVILLE.

Shanghai, 30th September, 1870.

MY LORD,—I have the honor to call your Lordship's attention to the fact that the English community at Shanghai, as well as at the smaller ports, have been lately under some apprehension for the safety of their lives and property, in consequence of the instructions which are understood to have been issued to the Commanders of H. M. vessels-of-war on this station; and I enclose, for your Lordship's information, copy of a letter which the Chairman of the Municipal Council has addressed to me on this subject, together with the enclosures therein referred to. The Municipal Council being the body charged with the preservation of order within the limits of the foreign residences in Shanghai, their representations on this matter are entitled to the greatest consideration.

Ever since the opening of the various ports by the Treaty of Nanking, the security of foreign life and property has been practically, though tacitly,

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guaranteed by the presence or near proximity of one or more of Her Majesty's vessels-of-war. The mass of the people, both at the open ports and in the interior, have always been well disposed towards foreigners, as indeed they had every reason to be; and the hostile party among the officials, comprising many aspirants and retired officers, has been content to remain inactive, from the conviction that any attack on foreigners would be futile, and would bring certain retribution. For various reasons, which it is unnecessary here to recount, this conviction has been rapidly dying out, and within the last two years many outrages have been committed on Europeans.

At Yangchow; several times in the island of Formosa; at Foochow; at Ngan-kin, Tien-mên, Woo-chang, and many other places, attacks on foreign life and property of a more or less serious character have been made; and in June last, the foreign communities in China were startled by the news of unparalleled atrocities, committed by an officially organised band at Tientsin, on the persons of 19 Europeans,—French, Belgian, Italian, Russian, and one at least British. There is good reason to believe that the Tientsin tragedy is part of a general plan for the expulsion of foreigners from the country, a plan which has been frustrated in other places, Nankin for example, by the defective organisation of the conspirators or the vigour of the responsible authorities. The apparent failure, therefore, to punish the assassins of Tientsin, or even to institute any satisfactory investigation into the affair, has emboldened the anti-foreign party among the officials all over the country, and the unfortunate discovery that Europeans may be pillaged and massacred with impunity, is likely to prompt the energetic enemies of foreigners to continue the course of hostility so successfully begun.

For the immunity which has attended the well-known criminals at Tientsin, only 80 miles from the capital, has likewise demonstrated the impotence of the central government to control its turbulent subjects; and thus a premium is held out to the worst part of the population to attack foreigners. All the Consular ports in China are thus placed in a critical position, and though Shanghai is in comparatively little danger, owing to the number of European residents who are equipped as a Volunteer guard, yet the amount of British owned property, both fixed and moveable, in the place, is very large, and might offer an irresistible temptation to a powerful band of rowdies. The value of the property of foreigners in Shanghai, exclusive of shipping, has been estimated at Tls. 42,750,000 or *£12,825,000, of which three quarters are British, and this is probably below the amount to which foreigners are interested. In addition, however, to the loss of actual property, incalculable damage would be sustained by any stoppage of the trade. One ship-of-war would be sufficient to protect this Settlement, and perhaps any of the other ports, from Chinese attack; but it appears—and the fact is well known to the Chinese—that the Commanders of Her Majesty's vessels are instructed not to land their men at Chinese ports under almost any circumstances, or to take part in preventing or repelling an attack, even though directed against the valuable property in which Her Majesty's subjects both in China and England are so largely interested.

For though the naval instructions do not absolutely, and under all circumstances, interdict Commanders of Her Majesty's ships from landing their men or defending property on shore, the interpretation which the

Officers themselves put on their instructions is such, that before the circumstances could arise which would justify their interference, half of the foreign settlement of Shanghai might be burnt down, and many lives lost.

The Chamber of Commerce cannot but think that the instructions in question have been issued under some misapprehension of the circumstances; for though it may be said that the Chinese Government would be held responsible for the value of property wantonly destroyed, it would surely be far preferable to take the simple means which are available for preventing the destruction from taking place. And no compensation would be adequate for the loss of life which would be inevitable in case of an unchecked outbreak, or for the damage which the trading interests of Chinese and Foreigners would directly and indirectly sustain if such a calamity were permitted.

The Chamber of Commerce, in common with the general body of European residents in this country, are convinced that peace and friendship can be maintained at a very low cost, and without violence, or even the necessary show of it. All that is required is to induce the Chinese to return to their conviction that Her Majesty's ships will defend the lives and property of British subjects. The evil-disposed among the Chinese would then be restrained by prudential considerations from plotting against Foreigners, while the party with whom it is our interest to cultivate friendly relations would be supported and encouraged in pursuing a tolerant and conciliatory policy towards Foreigners.

The Chamber of Commerce, looking to the uneasiness which the present state of affairs has naturally produced, respectfully submits these considerations to Her Majesty's Government, and trusts that Her Majesty's Government may see fit to frame the instructions issued to Naval Officers in China so as to meet the views which the Chamber has ventured to set forth

I have, &c.,

A. MICHIE,
Chairman.

* ESTIMATED VALUE OF REAL ESTATE AND PROPERTY IN SHANGHAI.

The Assessed value of Land and Buildings in the English and		}	11,500,000
American Settlements is...			
Do.	do.	French Settlement...	1,900,000
			13,400,000
Add for under-Assessment			600,000
			14,000,000
Imports in Foreign Godowns, July 31st 1870, as per Statement			
of the Chamber of Commerce			10,300,000
Coals, 56,000 tons at 8 Taels		450,000	
China, Japan, and Straits' Produce	}		
Wines and Liquors		1,000,000	
Hamper and Sundries			
Arms and Ammunition			
			1,450,000
Chinese Merchandise for Foreign Export, to a great extent advanced on by Foreigners, viz:—			11,750,000
Black Tea, 67,000 packages	at Tls.	17.0.0=	1,139,000
Green Tea, 24,000 packages	at Tls.	18.0.0=	432,000
Silk, 6,000 bales	at Tls.	400.0.0=	2,400,000
			3,971,000
			say 4,000,000

Bullion in Foreign Treasuries	6,000,000
Household and Personal Effects:—1,000 Foreigners at 3,000=	3,000,000
1,000 „ at 1,000=	1,000,000
	4,000,000
Stocks of Goods in Foreign Shops:—8 General & Drapery Stores	800,000
5 Chemists	100,000
Watchmakers, &c.	100,000
	1,000,000
Opium afloat:—3,200 chests Malwa at Tls. 500	1,600,000
1,000 „ Patna at Tls. 400	400,000
	2,000,000
At 6s. Exchange=£12,825,000.	Total.....Tael 42,750,000

To the latter communication no reply has as yet been received from Lord Granville; but there is too much reason to apprehend, that it will not materially differ from his Lordship's answer to the London Deputation, previously referred to (151, 1). The temperate letter of Mr. Michie contains but one or two points, upon which we differ from the able Chairman of the Shanghai Chamber of Commerce. In the event of actual danger to the Settlement, we are of opinion that it will arise, not from an uncontrolled popular movement, but, in sequence of a well-concerted and matured plan, ostensibly either from a military attack by the local authorities, or from a popular movement organised under their auspices: in both cases really from the Central Government, *i. e.* with the full sanction and at the secret instigation of the latter; and that one of H. M. ships-of-war could, in such a case, afford no sufficient protection to the Settlement, though further defended by the Shanghai Volunteer Corps.

158. In the second place, Mr. Michie only points out, how "it would be *far preferable*" to take the necessary means of preventing destruction of life and property, than to exact posterior redress for such destruction, instead of insisting on the former course being *the public duty* of Her Majesty's Government to pursue. For, the public duty of Her Majesty's Government is, not only, in the second place, to defend British lives and property at the British Settlements in China from, but, *in the first place, to protect and secure them against, impending attack and violence.* This duty, it appears to us, is clearly and indisputably involved in the right of extraterritoriality,

¹ In the same sense Mr. Keswick, Chairman of the Hongkong Chamber of Commerce, in its Memorial to Lord Clarendon relative to the Hart-Alcock Convention of Peking, remarks: "It is manifest that, in appointing British Consuls to the Treaty

acquired by the Treaty of Nanking and confirmed by the Treaty of Tientsin,—not to speak of other public acts of Her Majesty's Government.¹ In not only neglecting, but apparently repudiating it, the Gladstone-Bright Administration has, in our judgment, incurred a heavy responsibility. Under any circumstances, the question, both in principle and *de facto*, is of more than sufficient importance to entitle it to the immediate attention of Parliament, and to a positive solution. Have the British mercantile communities at the treaty-ports of China quitted their homes, and trusted their property and the lives of those near and dear to them, as well as their own, into the midst of a semi-barbarous and treacherous people, on the explicit understanding, that they would have, on the approach of danger, no claim to the national protection of England beyond the offer of a refuge on board of one or more of Her Majesty's ships-of-war, which might be stationed at their respective port, and might, or might not, be able to accommodate above a fraction of the number of their persons, to say nothing of their moveable property? Or did they come to the British Settlements in China,—knowing them to be subject to British Law administered by servants of the British Government, and, consequently, to all intents and purposes British possessions,—under the full conviction, based on clearly defined treaty-rights, that, on the approach of peril to their lives and property, effective and ready protection against such peril, whether in the shape of naval or military force, would, *as a matter of public duty*, be afforded to them by Her Majesty's Government? It is, we believe, for the first time in English history, that an English Ministry, faithless to the national traditions, has proposed, within the sight of British men-of-war, first to allow the property, if not the lives, of British subjects to be sacrificed by a Chinese mob or by Tatar soldiers, in order to subsequently determine what reparation, if any, be due for "the wrong done", or by what means the reparation should, if at all, be enforced; to convert H. M. ships-of-war into asylums for the helpless, into nurseries, and lumber-rooms; and,

Ports in China, Her Majesty's Government had two objects in view. First, to protect the lives and property of Englishmen residing within the dominions of the Emperor of China". (The North-China Herald for February 8, 1870, p. 100.)

thus encumbered, to expose them, and those committed to their protection, to the chances of getting aground and being starved out, if not of being destroyed by fire, or otherwise. To admit, in any shape or form, the principle that, under any circumstances, a fighting-ship can be anything save a fighting-ship, would be the ruin of the Royal Navy. To admit that it is not the duty of Her Majesty's Government to protect and defend the British Settlements in China and their British population against any threatened or threatening attack from without, would be the ruin of the Chinese commerce of England. We doubt whether the Gladstone-Bright Cabinet will be permitted to effect either. Its new China policy may be suited to the millennium, and the Flowery Land of the Hon. Mr. Burlingame's oratory; but is wholly unsuited to this world, and the actual condition of the Ta Ching Empire. It will have to be abandoned.

159. The first diplomatic result of that policy, and another illustration of the baneful influence exercised by the Burlingame Mission on the counsels of Her Majesty's Government,—the Hart-Alcock Convention of Peking, supplementary to the Treaty of Tientsin, has already met with the fate of abandonment, to which we have just alluded. It nevertheless deserves to be here recorded. The English text reads thus:—

SUPPLEMENTARY CONVENTION TO THE TREATY OF COMMERCE AND NAVIGATION OF JUNE 1858 BETWEEN GREAT BRITAIN AND CHINA.

THE TEXT OF THE NEW TREATY.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, desiring to secure the better execution of the Treaty of Commerce concluded between them on the 26th of June 1858, have resolved, in accordance with the provisions made in the 27th Article, to the effect "that either of the high contracting parties may demand a further revision of the Tariff, and of the Commercial Articles of that Treaty, at the end of 10 years," to negotiate and (make) complementary arrangements, and they have for that purpose named as their plenipotentiaries, that is to say, H.M. the Queen of the United Kingdom of Great Britain and Ireland, Sir Rutherford Alcock, &c.,; H.M. the Emperor of China, Foong, &c.; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.—China having agreed that British subjects shall participate in all advantages accorded by treaty to the subjects of other powers, it is further agreed that British subjects desirous to participate in the advan-

tages accorded by treaty to the subjects of other powers, shall participate in such advantages on the same condition which they have been accorded to, and participated in, by the subjects of other powers.

ART. II.—China having agreed that England may appoint Consuls to reside at every port open to trade, it is further agreed that China may appoint Consuls to reside at all ports in the British dominions.

ART. III.—It is agreed that articles of the following classes and denominations, namely, Cottons, Linens, Woollens and Cotton Mixtures, &c., imported by British merchants, shall pay both Import Duties and Transit Dues simultaneously at the time of importation; on the other hand China agrees that the above mentioned commodities imported by British merchants and having paid Import Duties and Transit Dues simultaneously at the time of importation, shall be exempt from all other taxes and charges whatever, in treaty port provinces.

ART. IV.—It is agreed that Native Produce purchased in the interior by British Merchants furnished with the documents prescribed by the Supplementary Regulations shall pay all inland dues and charges on its way to the treaty Ports; on the other part China agrees that any such native produce, having paid all inland dues and charges on the way to the port from the place of purchase, shall be entitled to the return of any amount that may have been thus paid over and above the treaty Transit Due (half Export Duty) provided the exportation by British Merchants to foreign ports takes place within twelve months. It is further agreed that native produce shipped to other treaty Ports shall not be entitled to such refund.

ART. V.—It is agreed that Chinese produce shipped from Hongkong to a Treaty Port, shall not be carried inland under the Transit Rule, but shall pay dues, duty and inland charges with all other native produce at all barriers passed; on the other part, China agrees to issue to native produce shipped by British Merchants, from Treaty Ports to Hongkong, the ordinary duty proofs, and to collect on such produce on their arrival at a second Treaty Port, the ordinary Coast Trade (half import) duty.

ART. VI.—It is agreed that the port of Wen-chow in Chekiang shall be opened to British Trade, and that Kiunchow, named in the treaty of Tientsin, shall be removed from the list of Treaty Ports.

ART. VII.—It is agreed that British Merchant vessels shall not be called on to pay Tonnage Dues oftener than once in four months; on the other part England agrees that British Merchant vessels of every description, whether used for the transport or storage of merchandise, or conveyance of passengers, or residences (merchant ships,) as well as all crafts of the Chinese type, owned by British subjects, shall pay Tonnage Dues according to their tonnage, if trading from port to port, on the expiration of their special certificates; and if used as hulks in port, on the expiration of the term of four months,—as the case may be.

ART. VIII.—It is agreed that British Merchant vessels shall report to the Customs their port of destination, and shall hand in Export Manifests when about to clear; on the other part China agrees that the amount of any Fine for false Manifests where British Merchants are concerned, shall be determined in accordance with the special circumstances, and shall not in any case exceed the sum of Tls. Nine Hundred.

ART. IX.—It is agreed that in all cases of Fines arising out of breaches of Customs Regulations, the Superintendent or Commissioner of Customs may have a seat on the bench, and take part with the British Consul in inquiring into the case; and in all cases of confiscation arising out of Customs Regulations, the British Consul may have a seat on the bench with the Superintendent or Commissioner of Customs, and take part in enquiring into the case. It is further agreed that England and China shall in consultation draw up a Commercial Code.

ART. X.—On the one part China agrees to issue licenses to Pilots; on the other part England agrees to punish British subjects piloting, or who employ persons piloting without a licence. It is further agreed that effect shall be given to the stipulation of the Treaty of Tientsin "that for the due restraint of the crews of ships, Regulations will be drawn up by the Consuls and local Authorities."

ART. XI.—It is agreed that drawbacks issued to foreign goods, re-exported by British Merchant vessels to foreign countries within three months from the date of importation, shall be convertible (at the Hae-kwan Bank) into cash; on the other part, England agrees that foreign goods re-exported by British Merchants to foreign countries after the expiration of three years from the date of importation shall not be entitled to drawback of import duty.

ART. XII.—It is agreed that Opium shall pay Import Duty at an increased rate; on the other part China agrees—

- (a) That British subjects holding Passports may use their own vessels, resembling Chinese vessels, and propelled by oars or sails when visiting non-treaty ports, or places in the interior.
- (b) That Bonded Warehouses shall be established for British subjects at such Treaty Ports as may be expedient.
- (c) That the Superintendent of Customs at Kiukiang shall provide a Tug for British-owned Chinese-like boats on the Poyang in the vicinity of Hu-kow.
- (d) That Bonds entered into by British Merchants for the Re-export of Teas shipped from the Yang-tze ports shall, as an experiment, be done away with.
- (e) That the Imperial Commissioner in the South shall open Coal Mines in two or three places, and that the Duty on native coal exported by British merchants from the Southern ports shall be reduced.

ART. XIII.—It is agreed that Silk shall pay Export Duty at an increased rate; on the other part China agrees—

- (a) That Wu-hu in Nganwhui shall be opened to foreign trade.
- (b) That foreign grain may be re-exported, and without payment of duty, by British merchants.
- (c) That materials used by British subjects in Docks for British vessels shall be exempt from duty.
- (d) That the List of Duties for Goods for British household use, and Ships' stores, shall be revised.
- (e) That Foreign Coal and Guano imported by British merchants shall be free from duty.
- (f) That Import Duty shall be reduced on Watches, Pepper (black and white) Tin plates and Timber imported by British subjects.

ART. XIV.—It is agreed that each Custom House shall draw up rules fixing the touch of Sycee to be received in payment of duties by the Bank at each port. It is further agreed that the various documents issued to British subjects (Transit Papers, Passports, &c.,) shall be returnable at the expiration of one year from the date of issue.

ART. XV.—It is agreed on both parts that the Articles untouched by the present Revision shall be hereby declared to be renewed and confirmed, and that the revised version shall rule in the case of such Articles as the present version effects.

ART. XVI.—The present Convention shall be ratified; and the ratification shall be exchanged at Peking as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present convention, the Supplementary Regulations appended, and the Tariff affecting goods in respect of which duties have been hereby changed; and have affixed hereto their seals.

Dated at Peking in quadruplicate this 24th day of October, 1869.

SUPPLEMENTARY RULES AND TARIFF.

Whereas it is expedient that Supplementary Regulations should be drawn up for the better explanation of the Articles of this Convention, the plenipotentiaries do hereby agree that the appended Tariff and Rules, the latter being in ten Articles following, shall be equally binding on the Government and subjects of both countries with the Convention itself. In witness whereof they thereto affix their seals and signatures.

RULE I.—The Convention permits certain specified commodities of foreign origin to circulate freely in Treaty-Port provinces, without further liability to inland dues or charges, on payment simultaneously of Import Duty and Transit Dues at the time of Importation—when taken inland by British Merchants in person or by Chinese, the Agents of British Merchants, or by Chinese purchasers, while the British Merchant will be required, as provided by the Treaty of Tientsin, to travel provided with the usual passport, the commodities aforesaid (? may be conveyed unaccompanied) by any Transit certificate and may be sold freely and at pleasure along the road without being in any place called on to pay further dues and duties or inland charges. The various customs' stations passed by such commodities will, however, make such examination as is usual, in order to provide against fraudulent substitution and the transport of prohibited articles.

(2.) With the exception of those classes of commodities which are to pay Import Duty and Transit Dues simultaneously, all other foreign Merchandize, carried inland will continue to be exempt from all Dues and charges *en route*, provided, having paid full Import Duty on Importation and the Tariff Transit Due when leaving the port to enter the interior, it is found to be accompanied by the ordinary proof of payment of Transit Dues, namely a Transit Certificate. Such goods will be liable to all Dues, Duties and Charges, whenever found inland unaccompanied by Transit Certificates; both British and Chinese Merchants will be treated in accordance with the provisions herein set forth.

(3.) When the commodities specified in the first clause of the Rule are carried inland in Treaty-Port provinces by either British or Chinese merchants, and when such commodities are accompanied by either foreign merchandize of the class provided for in the second clause of this Rule, the latter merchandize will be liable to all inland dues, duties or charges, if not provided with Transit Certificates. Failures to report the presence of any such uncertified merchandize when passing Customs' stations, or any attempt to defraud by carrying native produce in that guise, will subject all the goods of the same description to seizure and confiscation.

(4.) When commodities of the kind specified in the first clause of this Rule, and which simultaneously paid Import Duty and Transit Dues, are to be conveyed by either British or Chinese merchants to non-treaty port provinces, Transit Certificates should be provided from the Customs at the port started from, on the face of which will be distinctly set forth the name and the place for which the said commodities are destined. On the way from the port to the place set forth on the certificate such certificated commodities will be exempted from all liability to inland charges, dues and duties; but in the event of it being discovered by any customs' station that may make examination, that the merchandize contained in the packages is different from the commodity set forth in the certificate, or that the certificate is for a less quantity than it is accompanied by, the goods concerned will be confiscated. On the arrival of duly certificated commodities at the place set forth, the certificate will become invalid and the commodities having arrived at their place of destination will be liable to whatever inland charges, dues and duties the locality they are found in collects, and will thenceforth be treated like native produce in the localities concerned.

RULE II.—British Merchants whether going in person or sending Chinese Agents into the interior for the purchase of native produce should obtain from the Customs a memorandum. The native produce will be liable to all inland charges, dues and duties on the way to the port, just like any other Chinese goods in Chinese hands. On the other hand each Customs' Station or Barrier will be required to certify to the receipt of the amount of dues, duties or charges there collected, by making an official and duly sealed entry on the face of the blank memorandum. Any sale *in transitu* of the native produce to which the blank memorandum refers will be punishable in accordance with the regulations.

(2.) On the arrival of such native produce at the last barrier the merchant is to report its arrival to the Commissioner of Customs and the goods are to await examination. The memorandum brought back from the interior is to be at the same time deposited with the Customs. Should such native produce be exported to a foreign port (Hongkong excepted) within 12 months from the date of the arrival, the exporter will at the time of exportation pay the usual duty, and as regards inland charges, while on the one hand the exporter will be called on to make up the amount by which the sum entered on the memorandum fall short of the Treaty Transit Due (half export duty), on the other, the Customs will refund to the exporter the amount by which such sums may be found to exceed the Treaty Transit Dues. Should the produce be shipped for conveyance to a Treaty Port, no make up will be called for and no refund allowed.

RULE III.—Foreign Goods re-exported to a foreign country within 36 months of the date of arrival, if found to be in their original packages, with marks and numbers unchanged, will be entitled to receive the refund of the sum paid as import duty, by a drawback, which shall be a valid tender for payment of other duties (tonnage dues excepted.) Goods re-exported after the expiration of the said 36 months shall not be entitled to receive drawbacks. Meanwhile, as regards native produce, drawback for coast trade duty will continue to be paid when the produce is re-shipped. After the expiration of that term, native produce will not be entitled to any drawback of coast trade duty.

RULE IV.—British merchants will be allowed one month's grace for the return of such documents as they have taken out when going inland (Passports, Transit papers, &c.) All such documents to become invalid on the expiration of 12 months from the date of issue, and if not returned within 13 months from that date, the application of the parties concerned for the documents will not be attended to.

RULE V.—At such of the Treaty ports as may be expedient, Bonded Warehouses shall be established, and regulations for their working will be drawn up by the Inspector General of Customs and the Superintendent of the Port concerned. When sufficient reasons for the non-establishment of such Bonded Warehouses exists, they will not be introduced.

RULE VI.—The Superintendent of Customs at Kiukiang will provide a steam-tug for the use of British merchants on the Poyang Lake, and between Hankow and Kiukiang. The tug in question will be for the towing of British owned vessels of the Chinese type, and a tariff of fees will be published, in accordance with which, merchants whose boats may be towed, will pay the Kiukiang Customs for that service.

RULE VII.—British merchants who may go inland duly provided with passports to sell foreign goods, purchase native produce, or carry native produce into the interior, for sale, are permitted to use their own vessels, if of Chinese type and propelled by sails or oars, and when in the interior, are further permitted to rent for short periods, hotels or private houses where they may store their goods, but on which they are not to exhibit their hong name or the style of their firm. Native produce purchased in the interior and entered on the memorandum for conveyance to the port, must not be sold in the interior. In the case of inns, or private houses, thus rented from the Chinese, the British merchant is not to interfere to protect the landlord from the incidence of the taxes or charges for which this house or property is assessable. The Chinese of the locality are not to annoy or molest the British merchant, and proclamations setting forth all that have been prepared and will be sent to the Governor-General and Governors of the provinces, for publication everywhere.

As regards vessels of the Chinese type, owned by British merchants and sent by them to go to non-treaty ports, or places in the interior, such vessels must be registered at the Custom House, when the Commissioner of Customs will issue a certificate of registration, and the flag to be sailed under, the certificate to be countersigned by the Superintendent. Such vessel must exhibit the flag received from the Customs, and comply with the special rules and regulations drawn up for their management. Every vessel provided with certificate of registration, detected in the fraudulent use of a

flag resembling the Customs' flag, or flying the house-flag of any foreign mercantile firm, or having a certificate and flying the flag of any foreign country, will be subject, with her cargo, to confiscation.

RULE VIII.—The Imperial Commissioner superintending foreign affairs in the North will enquire into the condition of Kin Yung, Lo'ping and Keloong, and will depute officers to work the mines at these places as an experiment; the question of the employment of foreigners to assist in mining, and of using foreign machinery, will be left to be given effect to by the Imperial Commissioner. The coals produced will be for sale to British Merchants without distinction.

RULE IX.—The Rules appended to the tariff attached to the treaty of Tientsin enumerate the articles that are to be admitted free of duty for household use and as ship's stores, and a revised List is to be drawn up by the Inspector General of Customs and will be hereto appended, of the articles that are thus to be admitted free, for the use of British subjects. Should such articles be carried inland they will be dutiable in accordance with the rule and practice that has formerly obtained.

RULE X.—Docks owned by British Merchants will be permitted to import such articles as they require for the repair of ships, free of duty; but on newly built vessels there will be levied a duty of 5 per cent *ad valorem*. Before being entitled to the privilege of importing their stores duty free, such stores must be registered at the Customs and the owners must enter into such bonds as the Customs in question may consider sufficient for the protection of the revenue. A List of the articles to be imported duty free will be prepared by the Inspector of Customs and appended hereto.

TARIFF.

IMPORT.		<i>T.m.c.</i>
Watches, mounted with Pearls	per pair	4.5.0.
Do. Gold	per pair	1.0.0.
Do. Silver	per pair	0.5.0.
Pepper, White	per picul	0.4.0.
Pepper, Black	per picul	0.2.0.
Tin Plates	per picul	0.2.0.

Grain, Beans, Foreign Coals—Free, whether imported or exported, but to take out permits in accordance with Custom-house regulations.

Lumber—reduction to be made after full enquiry in Shanghai.

Opium—per 100 catties, Tls. 50; and to be dealt with in accordance with special rules respecting that drug.

EXPORT.		<i>T.m.c.</i>
Silk—raw and thrown, per 100 catties		20.0.0.
Silk—Yellow Szechuen, per 100 catties		10.0.0.
Coals, Native—at Southern Ports, per 100 catties		0.0.5.
At Northern Port, per 100 catties		0.4.0.

The ratification of this Convention, in consequence of the able and forcible representations, urged against it by the Chambers of Commerce of Hongkong and Shanghai, and a Committee of London

Merchants interested in the Trade of China, having been withheld by Her Majesty's Government, we need here point out only the most prominent of its leading features.

160. "When it was stipulated", Mr. Hugh M. Matheson, Chairman of the London Committee of China Merchants, pertinently remarks in his Memorial of February 10, 1870, to the Earl of Clarendon, "by the Treaty of Tientsin of 1858 (embodied in the Convention of 1860) that the tariff and commercial articles were open to revision at the end of every ten years, there can be little doubt that the purpose of such a stipulation was, to afford an opportunity for securing in the future greater facilities of intercourse, increased expansion of trade, and more enlightened regulations for conducting it than had previously prevailed". But so far from the new Peking Convention realizing these just expectations of British Merchants, who have, as Mr. Keswick, Chairman of the Hongkong Chamber of Commerce, in his Memorial to H. M. Secretary of State for Foreign Affairs, dated January 25, 1870, reminds Lord Clarendon, "on the faith that Her Majesty's Government would insist upon the Treaty of Tientsin being honestly carried out by the Chinese Government, sunk an immense amount of capital at the open ports, in reclaiming the concession lands, and in building houses and godowns; and have besides expended vast sums of money in making the necessary preparations for the increased trade, which it was naturally anticipated would result from the Treaty, and *which would undoubtedly have ensued, but for the misconduct of the Chinese, and the leniency with which their bad faith has been regarded by the British Government*"; not only have the Chinese thus "ever consistently refused to perform, under the Treaty of Tientsin, all obligations unpleasant to themselves, which they have not been *compelled* to carry out, the chief occupation of the various Ministers at Peking, since the ratification of that Convention, having been to bring under the notice of the Government incessant and flagrant violations by the Mandarins of its important provisions, while the residents at the Ports have literally had to besiege their Foreign Representatives with memorials and complaints of extortions and illegal charges, for which in many instances no redress has been

obtained":¹ the Hart-Alcock Convention, moreover, taken as a whole, constitutes an actual retrogradation upon the Tientsin Treaty, rather than, as Mr. Matheson in one place expresses it, "no improvement upon it, so that, unless essentially modified, it would be preferable to leave the latter unaltered"; while in another place he more forcibly and truly states, that "the Convention forms the first distinct evidence of a retrograde policy in China". This will clearly appear from the following facts. On the one hand, the concessions obtained were for the most part not only fallacious and merely apparent, but comparatively unimportant, and also by the other Foreign Ministers viewed in this light. As characterised in a few pithy words by Mr. Michie, Chairman of the Shanghai

¹ How difficult, if not impossible, generally, it is to obtain, by simple diplomatic action, redress in China, even where the Central Government is directly involved, the case of the well-known Sung-Yang claim of Messrs. Jardine Matheson & Co. shows. During the last five years it has by that princely merchant-house been in vain "preferred", to use their own words in a letter, dated Shanghai, November 12, 1868, to Sir Rutherford Alcock, "against the Chinese Government for losses, sustained by them in consequence of the plunder by *Imperialistic Soldiery*, from their native agents at Soong-Yang, in the province of Hupeh, of certain sums of money in coin and bullion, sent there for the purchase of tea". The case is so characteristic and partly illustrative of our previous argument (154), that, although the succeeding correspondence on the subject is somewhat lengthy, we judge it to deserve a place here. The reader will hardly know which to appreciate most, the powers of quibbling, fencing, and equivocating of the Chinese authorities, or those of H. B. M. Minister in Peking, Sir Rutherford Alcock. He will observe also, that the essential facts of the case, the sending of the money in question by Messrs. Jardine Matheson & Co. to Sung-Yang, its receipt by their native agents there, the plunder of the residence of the latter by *Imperialistic Soldiery being in arrears of pay*, and the loss of the money to Messrs. Jardine Matheson & Co. are not disputed; and that, in a perfectly analogous case, the Russian Minister in Peking, General Vlangali, has for Russian merchants obtained a compensation, which for British merchants the British Minister has failed to obtain.

To W. H. MEDHURST, Esq., H.B.M.'s CONSUL, SHANGHAI.

PEKIN, November 23rd, 1868.

SIR,—I have received a letter, with enclosures, from Messrs. Jardine, Matheson and Co., dated the 12th instant, respecting a claim which they preferred against the Chinese Government, in 1865, for losses sustained from the Imperialist soldiery, who robbed their native agents at Sung-Yang, of certain sums of money in coin and bullion, sent there for the purchase of tea.

Messrs. Jardine, Matheson and Co. complain that, although this claim has been frequently urged upon the notice of successive Consuls, there has been no result, whereas they have recently ascertained that certain Russian merchants, having claims of like nature, arising out of the same occurrences, had, through the intervention of the representative of H.I.M. the Emperor of Russia, been paid in full by the Taoutai of Hankow, during February last.

That there has been great delay, and no settlement yet effected, are indisputable

Chamber of Commerce, after a previous discussion of their merits and demerits, they comprised: "*Right to travel in the interior in native looking vessels*,—a right practically enjoyed since 1858, under the Treaty of Tientsin; *bonded warehouses*,—very useful, but a matter of detail, which was in process of arrangement irrespective of the Convention; *tug-boat on Poyang Lake*,—may prove useful or not, as the Chinese choose to make it; *tea-bonds to be done away with*,—also a matter of detail, the bonds having ceased to be necessary, and, as they were imposed without Treaty, equally fit to be withdrawn without Treaty; *coal-mines to be opened*,—subject to essential restrictions and evasions, two mines out of the three proposed, being, moreover, worked by natives already; *duty on*

facts. But Messrs. Jardine and Co. have been misinformed as to what has been done in the matter of the Russian claims. So far from having been paid in full, they have been induced to accept a compromise, receiving 800 taels for claims amounting to 2,500 taels. If Messrs. Jardine are prepared to follow the same course, I have very little doubt they may secure a like result.

These Sung-Yang claims of Messrs. Jardine and others, accruing from losses alleged to have been suffered by the plundering of some revolted Imperialist troops, have, as you are aware, been the subject of much correspondence and negotiation; and if the result has been less satisfactory than could be desired, it has arisen from several very intelligible causes.

The Chinese Government, in the first place, contested their responsibility for losses suffered by insurgents, contending that the plunderers were in no proper sense Imperial troops, but men in revolt against their own Government, like other insurgents. Losses by civil war or popular tumults and insurrections, they are aware, cannot constitute a valid claim against a Government, according to the International Law of Europe. Apart from the first difficulty of principle, it followed from the nature of the case that no accurate or perfectly conclusive evidence could be furnished for the losses incurred. When a band of disorderly soldiers, or a mob, take to plundering a town, there is no time for inventories or attested lists of goods, moneys, &c., actually taken or destroyed.

As regards the British claimants, they were even in a worse position in this respect than the Russians, who were there in person and on the spot, preferred their claims without delay, based upon their own attestations and evidence; whereas the British had to rely upon the statements of their Chinese employes and agents, and could vouch for nothing more of their own knowledge. The actual claimants could not really know or make any deposition as to what money or property may actually have been plundered. They can only say such and such losses were reported by the Chinese entrusted with their money or goods, and, therefore, the loss to them, the claimants, owing to the plundering acts of the revolted soldiery, was so much.

It can hardly be matter of surprise, or complaint, that the Chinese authorities when called upon to make good such losses, should demur, and take exception to the inconclusive, and more or less untrustworthy, nature of the Chinese evidence tendered in proof of value. Under any view, the amount was a question for investigation, and subject to verification. But a still more serious difficulty in the way of any satisfactory

native coal, brought from one Chinese port to another, to be reduced,—whole amount of duty in 1867 only Taels 554, and under any circumstances hardly a measure which the Chinese Government can take credit for as a concession to foreigners; Wu-hu, on the Yang-tze-kiang, to be opened,—good in its way, but insignificant; foreign grain may be re-exported without duty,—certainly not requiring a Treaty to assert that right; dock stores to be free of duty,—a useful definition of concessions in the previous Treaties; duty-free goods to be revised; foreign coal and guano to be imported free of duty,—amount of duty, collected in 1867, on foreign coal, Tls. 5,672, on guano Tls. 5,941, total, Taels 11,613; duty on watches, pepper, tin-plates, and timber to be reduced,—aggregate of duty in

settlement, seems to exist in the law of the Empire, by which the proprietors of houses are made responsible for any losses or robbery on their premises, irrespective of their inability to prevent them by an exercise of foresight or courage. It follows that, if these claims were actually to be enforced, and by any irresistible pressure could be recovered, the unfortunate proprietors of the houses, whose only fault appears to have been the giving shelter and accommodation under their roof to foreigners' agents and property, would be the sufferers, since they would be made to pay up the amount of the claims.

The justice or injustice of such a law is beside the question; and the Chinese Government may refuse to enter into a discussion on the subject with foreigners in the settlement of an incidental claim. But it is certain that, in such a case as this, to put the law of the Empire in execution would be to raise a feeling of anger and hostility to foreigners, not only in the city of Sung-yang, but, probably, throughout the province, which would go far to render the residence of any foreigner or agent impossible in future. Apart from any sense of injustice or wrong the merest dictates of self-interest would effectually deter any Chinese householder from hereafter voluntarily accepting such a liability, by lodging a foreigner under his roof. This very obvious result, I have reason to believe, made the Russian Minister hesitate, as well as myself, in any further proceedings to enforce a settlement. And the alternative was probably put before the Russian merchants of seeing themselves shut out for ever after from the city of Sung-yang, or contenting themselves with less than a third of their claims, which the Taotai was induced to pay without attempting to wring it from the proprietors of the houses where the property and merchants were lodged.

The settlement so effected was not the result, therefore, of any pressure exercised here by the Russian Minister on the Central Government, but a friendly compromise on the spot between the claimants and the local authorities, and, I understand, that the effects of such a settlement have been experienced by the Russian merchants, in a friendly spirit manifested both by the authorities and townspeople. Their having refused to allow their own interests to be benefitted at the expense of those who had done them no wrong, seems to have been fully appreciated, and, instead of being the object of implacable hostility on all sides, rendering their continued residence in the town for the transaction of their business impossible, they find themselves unmolested and in perfect security.

If the British claimants, in view of these difficulties, and by the light of this

1867 on these articles Taels 30,766". On the other hand, it was first proposed to double the export-duty on the two great staple articles of Chinese produce, Tea and Silk. "This proposal", Mr. Michie observes, "was strongly opposed by the Representatives of France, North-Germany, and Russia, and in consequence the double duty on Tea appears to have been abandoned. But the amount so surrendered by the Chinese, was partly made good by the increased duty on Opium, yielding an additional Taels 1,250,000 of revenue to China. As the immediate injury from the latter concession is sustained by the Revenue of British India, the Representatives of other Powers, perhaps, felt that it did not concern them". Possibly Sir Rutherford Alcock assented to the proposed additional tax on

Russian experience, are willing to act on a similar principle, I should be very glad to give every assistance in my power to obtain an amicable settlement with the local authorities. If otherwise, the whole of the circumstances will be reported to H.M.'s Principal Secretary of State for Foreign Affairs, and in view of the grave prejudice to commercial interests and our relations in the interior that is likely to result from any more decided action for the recovery of the full amounts claimed, I shall deem it my duty to await instructions from H.M. Government before I proceed further.

In this state of the case, I think you will do well to communicate, not only with Messrs. Jardine, Matheson and Co., but with all the other claimants, and invite, upon a knowledge of the facts, an expression of their opinion as to the expediency of pressing for settlement of their claims as they stand, so far as their own interests and wishes are concerned in the matter, and report to me the result.

Your obedient servant,

(Signed)

RUTHERFORD ALCOCK.

TO H. E. SIR RUTHERFORD ALCOCK, K.C.B., H. B. M.'s MINISTER, PEKING.

SHANGHAI, 28th July, 1869.

SIR,—We have had the honour to receive from Mr. Consul Medhurst a copy of your Excellency's despatch to his address of the 23rd November last, replying to our letter of the 12th of the same month, on the subject of our claim against the Chinese Government for losses incurred at Sung-yang, some years ago. Several circumstances have combined to hinder us from giving an earlier acknowledgement to your Excellency's communication, not the least important of which has been our desire to verify the statement we made, that Russian subjects have been paid in full the value of the coin and bullion which they lost on the occasion out of which our own claim arises.

We observe that your Excellency considers the Chinese to have good grounds for contesting the claims made upon them.

Firstly.—Because a Government cannot, under the principles of international law, be held responsible for losses by civil war, popular tumults, or insurrections.

Secondly.—Because, from the nature of the case, it is not possible to bring forward satisfactory evidence that the losses, alleged to have occurred, had actually taken place.

Your Excellency proceeds to state that the difficulties in the way of a satisfactory settlement are seriously increased by the fact that there is a law of the Empire, by which the proprietors of houses are made responsible for any losses which may occur by reason of robbery or violence within their premises; and that, consequently, if

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Opium from a similar feeling; whilst H. M. Chief Superintendent of Trade would seem to have accepted the duplication of the duty on Silk "under the unaccountable delusion", as Mr. Matheson points out to Lord Clarendon, that the proposed addition amounted to only $1\frac{1}{7}$ per cent., whereas it really amounts to $3\frac{2}{3}$ per cent., "being, consequently, three times as much as Sir R. Alcock believed it to be". H. M. Minister further agreed to generally render the payment of the commuted Transit-Dues of $2\frac{1}{4}$ per cent., which had previously been optional with the foreign merchant, compulsory at the time of importation; so as virtually, in Mr. Michie's words, to "simply become an additional tax on trade without any return whatever, because the provincial authorities will as heretofore tax

payment of the claim were to be enforced, an amount of ill-feeling would be engendered on the part of the native population, which would, probably, go far to render the residence of foreigners in Sung-yang well nigh impossible.

Your Excellency further assures Mr. Medhurst that we have been misinformed as to what has been done in the matter of Russian claims, the Russian merchants having accepted a compromise which involved a reduction to two-thirds of their original claim.

With regard to the right of the Chinese to refuse recognition of the claims made upon them on the ground that it would not be justified on the principles of international law, we suggest that a Government which appeals to international law is also bound by the obligations which that law imposes, and that no parallel can fairly be drawn between the liability of the Chinese Government in respect to the case in point, and that of any European State, to make good a loss arising out of somewhat similar circumstances.

To suppose, for the sake of argument, a possible outbreak, in Birmingham, of militia, whose pay was in arrear, and the plunder of the property of a French resident in the United Kingdom, the parallel between such a case and the occurrences at Sung-Yang to be complete, would involve the supposition also that the British local authorities took no steps to redress the outrage or to recover the money, listened to no representations from the French Consul that an immediate enquiry should be instituted, or that the offenders should be brought to justice, even though it was known that murder had been committed; denied, in fact, the benefits of either municipal or international law to the aggrieved party, and, only after the lapse of two years, in consequence of pressure from the French Minister in London at the Foreign Office, condescended to institute a mock enquiry into the circumstances, when, owing to the lapse of time, and the disappearance of necessary witnesses, a complete chain of proof was all but impossible.

In a letter on the subject from Mr. Medhurst to our agent at Hankow, that gentleman says:—"The Viceroy of this Province, and the Taotai of Hankow, have both received repeated injunctions from the Supreme Authorities at Peking to come to some arrangement with me, for the proper adjustment of the claims, and I have had as often to report them to H. M. Minister for evading these orders." The date of this letter being 15th February, 1867, nearly two years after the loss occurred.

A lengthened experience of the character and practice of Chinese officials must have led your Excellency to the conviction, even if the reports of H. M. Consular

goods in transit very much as they please, the Treaty stipulations to the contrary notwithstanding". In short, independently of the very questionable or delusive advantages, offered by the new Convention to Western commerce, the real concessions of the Chinese are by Mr. Matheson estimated at an annual reduction of duties amounting to £6,700—; whereas the annual increase of duties, granted to them by Sir Rutherford Alcock, is valued at £790,000, leaving, on the former sum being deducted, £783,000, of which, in round numbers, £400,000 would have been payable, annually, by British India, and upwards of £300,000, annually, by the commerce and industry of England.

161. Among the number of special points, stipulated in the

officers in this case were wanting, that no claim upon them would be by any chance entertained if it could possibly be evaded; and that, in the absence of any recognised mode of procedure, the only means of redress open to foreigners who may be sufferers by the wrong-doing of native government servants or of any portion of the native population, is an appeal to the protection of the Foreign Ministers.

The application, therefore, of the rules of international law to the settlement of a question with the representatives of a nation who refuse to examine even into the merits of any claim, however just, seems entirely out of place, and we venture to quote, in support of our views, the authority of your Excellency, expressed in the following extract from your Excellency's despatch to Lord Clarendon, dated the 5th February last:—

"We need not look to Vattel or Grotius for any sanction to exceptional action "(in the case of China) for the simple reason that they and all other writers on international law, deal with principles in their application to civilised States, recognizing "a mutual obligation, and governed by similar, or at least analogous, systems of jurisprudence and polity. But, when dealing with Oriental races and states, ignorant of "all the conditions and principles of European polity, a special adaptation of these "principles is required to meet the wholly exceptional character of the situation "caused by a forced intercourse between races holding totally different views of "moral obligation and national policy."

As to the perpetrators of the outrage not being Imperial troops, it appears from the correspondence to be admitted by the Chinese that they were braves called to arms by the Imperial Government, and whose pay, as it was alleged at the time (and the statement has never been satisfactorily contradicted), was in arrear. The demand for such a complete proof of loss as would satisfy all the nice distinctions of evidence and practice upheld in a Western Court of Judicature cannot, with any justice, be brought forward by the Chinese Government at this time. Our principal witnesses, two Shroffs, were decapitated, and the persistent refusal of the authorities to cause examination of the circumstances during a period of two years following the occurrences, appears to us to debar them from complaining of want of evidence, which is the consequence of their own delay.

Your Excellency, however, answers us that there is a municipal law of the Empire which provides for the payment of claims such as ours, and we confess to be unable to feel the weight of the reasons assigned against the policy of putting the law into force

Convention, which stamp it as irreconcilable with British interests, and betray either indifference to those interests or incapability on the part of Sir Rutherford Alcock, there are only two or three, to which we have occasion to refer. We allude, in the first place, to Art. ii of the Convention, reading: "China having agreed that England may appoint Consuls to reside at every port open to trade, it is further agreed that China may appoint Consuls to reside at all ports in the British dominions". It corresponds with Art. iii of the American Supplemental Treaty (144), and owes its origin to the same agency, that of the Inspector-General of Chinese Maritime Customs, Mr. Hart (147, 7). When Mr. Matheson remarks upon this provision, that "to concede to China the reciprocal appointment

in our favour. We can hardly be expected to see other than injustice in an arrangement which would make British subjects, who are practically prevented from residing at Sung-yang, to be sufferers, in order that Russian subjects, who are encouraged to reside there, may not be disturbed in the possession of special privileges; while it seems to us highly improbable that the townspeople of Sung-yang will be far too well acquainted with their own interest to offer any interruption to the large and lucrative foreign trade which passes through their hands, merely because a law of the Empire, the provisions of which must be well known to them, is put in force.

We cannot admit the force of the suggestion that the British Government should go out of its way to refuse, on our behalf, the benefits of a Chinese law which is, probably, suited to the temper and requirements, and, for all we know to the contrary, is established with the general approbation and concurrence of the native population, because the principle of the law does not harmonise with the maxims of English jurisprudence.

To admit the force of the arguments which have been adduced on the Chinese side of this question, would be to recognise the justice of a position in respect to the relations of Chinese with foreigners, which would accord to the former all the benefits of a strained interpretation of Western international law without committing them to its ordinary obligations, and would deprive the latter of the limited protection which even Chinese laws afford. To recognize a position, in fact, in which the liability of foreigners to outrage on the part of native officials would be limited only at the point at which reparation would probably be exacted by force.

With reference to the contradiction, by H. E. the Russian Minister, of the statement we made, to the effect that Russian claims had been fully satisfied. We have to acquaint your Excellency that we have received information upon which we can place reliance, that Russian subjects have been paid in full the value of the coin and bullion which they lost. Their original claim upon the Chinese Government included items of account put forward as consequential, having arisen out of loss by market, fluctuations, incidental expenses, and personal injuries to their employés.

These consequential claims were waived, but the actual losses in money were made good. Our own claim is preferred only for repayment of sycee and copper cash seized by the Imperial levies, that is to say, such a compromise as the Russians have accepted, is all we have ever claimed; and your Excellency will not fail to see the unfairness of our being made the victims of our own moderation.

of Consuls is merely to carry out an obvious principle of international comity, and consequently has much show of justice": we are unable to agree with him, because the whole of the British Dominions are unreservedly opened to China, whereas China has only forcedly opened a few of her ports to England; because England's right to appoint Consuls at those few ports is the right of conquest; and because, as Mr. Keswick pertinently observes, "China can in no sense be considered as a country entitled to all the same rights and privileges as civilised nations, which are bound by international law: in which the life, the liberty, and the property of all, foreigners as well as natives, are secure and respected: and where a recognised procedure and a regular legal system can be relied on by those who

We trust your Excellency will re-open a discussion of the question with the Chinese Government, and insist upon that measure of justice being dealt out to us which, although so long evaded and pertinaciously denied, we still claim under the broad principles of equity underlying all honorable treaties and forming the basis of all law.

We have the honour to remain, Sir, your most obedient servants,
(Signed) JARDINE, MATHESON AND CO.

BRITISH CONSULATE, SHANGHAI, 28TH OCTOBER, 1869.

GENTLEMEN,—I have to enclose herewith copy of a despatch which I have lately received from H. E. H. M. Envoy Extraordinary, &c., &c., on the subject of your share in the claims for compensation for losses sustained at Sung-yang, in 1865.

W. H. MEDHURST, Esq., *H. B. M.'s Consul, Shanghai.*

Messrs. Jardine, Matheson and Co., Shanghai.

PEKING, October 15th, 1869.

W. H. MEDHURST, Esq., *H. B. M.'s Consul, Shanghai.*

SIR,—Referring to your despatch No. 28, of 29th July, and its enclosure, I have to instruct you to acknowledge the receipt of the statement forwarded through you by Messrs. Jardine, Matheson and Co., dated the 28th July last, respecting their claim for losses incurred at Sung-yang, in May, 1865.

I observe that Messrs. Jardine, Matheson and Co. contest the validity of the grounds taken by the Chinese authorities to resist the claims, whether these rest on the principle of international law or defective evidence.

Seeing the impossibility of arriving at any satisfactory settlement in the way of compromise between the conflicting claims of the merchants and the Chinese authorities—each maintaining their own view of their respective rights, the one to claim the full amount in coin or bullion of alleged losses, and the other for absolute immunity from liability, no practical solution is possible.

It seems only necessary, therefore, in reference to this rejoinder of Messrs. Jardine, Matheson and Co., to remark that, as regards the operation of Chinese law in like cases, if insisted upon, proving highly injurious to any future interests; not, as alleged by Messrs. Jardine, Matheson and Co., of Russian merchants especially, but of British subjects and all other foreigners desiring to conduct, either in person or by their agents, business in that town or its neighbourhood, they have misapprehended the sense in which their attention was called to the fact; whether, as a matter of

feel themselves aggrieved". "Viewed in the abstract", it may "appear but fair that China should enjoy such a right"; but practically considered, the question wears a very different aspect; and China is, in justice and fairness, entitled to reciprocity, in this case, at the best to a very limited extent. And this the more so because, as Mr. Keswick justly points out, "no doubt can be entertained that the clause was suggested" not by the Chinese authorities, but "by the British Minister",¹ lending himself to Mr. Hart's plans and intrigues, "mainly with Hongkong in view, whose success and the immunity which, as a free port, it enjoys from Customs and other Dues, have long been regarded with jealous displeasure by the Chinese Government", as represented by the Inspector-General of Customs, and "which has done all in its power to interfere with its trade, especially that carried on by native merchants settled in Hongkong. Indeed, it has required the vigorous action of our able and energetic Governor, to counteract the undisguised attempts, which the Canton officials", urged on by Mr. Hart, "have made to

policy in the interests of the claimants, it might be expedient or the reverse to press for a rigorous settlement, if it could only be obtained under conditions which would involve serious loss or ruin on the people who had given lodgings to their agents, and were in no other way blameable or answerable for the spoliation suffered, may be a matter of opinion. The Russian merchants, accordingly, came to a conclusion totally opposed to that maintained by Messrs. Jardine, Matheson and Co., as would appear from the following statement received from the Russian Chargé d'Affaires :—

"The Taotai of Hankow wanted to levy the amount of the indemnity, which after so many pains was awarded to them in compensation for the losses they had sustained, from the proprietor of the tea manufactory leased to the Russians; but these having heard of it, declared they would not accept such extorted money, and the indemnity was paid to them from the Government Treasury."

As to the amount paid, and the proportion it bore to the amount claimed, I am still of opinion that Messrs. Jardine, Matheson and Co. are not fully or correctly informed as to the actual settlement obtained, or its conditions. Further information leads me to believe that there was less analogy between their case and that of the only Russian merchant concerned, than they have been led to imagine. This information, derived also from the Russian Legation, is to the effect that the result ultimately arrived at by a mutual compromise entered into by agreement on the spot, was the acceptance, on the part of the Russian merchant, of Tls. 800, instead of Tls. 2,500, the amount of the total claim for damages sustained by them and his compradore and servants, all included, and forming a little less than one-third of the whole. This seems to have been the amount exact or approximate, as Mr. Ivanhoff himself states in answer to an enquiry from Mr. Consul Caine, of the actual loss, in money or bullion apart from all other property taken or destroyed, and also from what the compradore or servants may have lost.

But the testimony in support of this claim appears to have been very different

cripple the trade of this Colony... We have no hesitation in saying that, if a native be appointed as Consul for China in Hongkong", as assuredly would be the case, "he will in reality be a spy on the Chinese merchants residing in this Colony,—and we have several very wealthy and intelligent men of that class,—and his main duty will be to report to the Mandarins of the adjoining provinces, the amount that can be extorted from them by the nefarious means, which our experience shows us the provincial despots know but too well how to use". To the same effect Mr. Matheson observes: "A Chinese Mandarin, established in Hongkong, or in the other colonies, as Consul, is less likely to protect and aid, than to harass his fellow-subjects, and to levy contributions upon them, aided, as he would be, by the circumstance of their families and connections being upon the mainland, and within the reach of the Chinese officials. If, as has been alleged, the appointment of Consul is proposed for the purpose of preventing illegal shipments by the Chinese from Hongkong to non-Treaty ports, your memorialists are

from that on which the British claim rests. The Russian was himself in Sung-yang when the revolted braves approached, and immediately made declaration to the authorities of the place that he was compelled to leave behind him such and such property, specifying the same; and, this being verified, he received in proof proper documents attesting the same.

Had it been possible for the British claimants to take the same steps, or even, from having been on the spot, to subsequently give direct evidence from their own personal knowledge of what property was in Sung-yang at the time, instead of through Chinese servants, whose evidence, under the circumstances, may fairly be considered by the authorities as less trustworthy; it is possible that some satisfactory settlement might have been come to before this. As it is, there seems to be no probability of any further diplomatic action here being successful, and I have, therefore, informed the Prince of Kung, that I had determined on referring the whole correspondence home for the instructions of Her Majesty's Principal Secretary of State for Foreign Affairs. You will make known to Messrs. Jardine, Matheson and Co. the contents of this despatch, for their information and guidance.

Yours, &c.,

(Signed)

"RUTHERFORD ALCOCK.

My Dear Mr. CAINE,

I received on Sung-yang claims only for sycee and copper cash which were taken by the soldiers, but I have nothing for the property which was taken or destroyed by the soldiers.

Yours, &c.,

(Signed)

H. IVANOFF.

G. W. CAINE, Esq., H. M.'s Consul, Hankow.

¹ In the same sense Mr. Matheson remarks: "The idea of making such appointments is one, that would scarcely have occurred spontaneously to the mind of a native".

anxious it should be clearly understood they are not averse to any proper measure being adopted with that object. But they believe it might be attained, if necessary, through some less objectionable method; and that, to carry out what the Convention proposes, would enable the Chinese Government unduly to control that part of the trade of Hongkong, which is conducted by the native population". Considering, as we do, the principle involved in the nature of the concession, which Mr. Matheson is disposed to grant to the Chinese Government with a view to the prevention of smuggling, to be dangerous and unrecognised by any Western Power: we are averse to any such concession; holding to the doctrine, that the rights and privileges of Hongkong, as a British Colony, should, more especially *vis-à-vis* of the Government of China, be upheld in their full integrity. Give to the Chinese an inch, and they will take an ell. They possess not the shadow of a right, either to appoint Consuls in British Colonies, or to convert a British port into a Chinese toll-house; the less so as by ART. xlv, of the Treaty of Tientsin, it is expressly agreed that: "The Chinese authorities at each [*Chinese*] port shall adopt the means they may judge most proper to prevent the revenue suffering from fraud or smuggling". No other principle is just, applicable, or recognized. Nor need we call attention to the circumstance, that import-duties, not payable on goods which may or may not reach their destination, become leviable only at the port and time of importation.

162. Another objectionable stipulation,—excepting the concluding sentence: "It is further agreed that England and China shall in consultation draw up a Commercial Code", which has no proper place in a formal Convention,—is contained in ART. ix, by which "it is agreed that, in all cases of Fines arising out of breaches of Customs Regulations, the Superintendent or Commissioner of Customs may have a seat on the bench, and take a part with the British Consul in enquiring into the case; and in all cases of confiscation arising out of Customs Regulations, the British Consul may have a seat on the bench with the Superintendent or Commissioner of Customs, and take part in enquiring into the case". Upon this clause Mr. Matheson on the whole very justly remarks: "The

Superintendent is a Chinese of equal rank, the Commissioner a foreigner of inferior rank, to the Consul. It is not very desirable that the latter should sit in judgment on his fellow-subjects, as in his official capacity he is under no responsibility to the Government of his own nation; but the new system is certainly some improvement on the old, where the Superintendent was at once prosecutor and sole judge. Even now, in confiscation cases (which are the most important), it would appear that the Consul's function is to be limited to inquiry, and that the judgment will rest with the Chinese authority". Exactly so. The Inspector General of Chinese Maritime Customs, Mr. Hart, who is again the real originator of the Article under consideration, had, in framing it, two objects in view, namely, to sanction the judgment of the Chinese Superintendent or the European Commissioner, in the important cases of confiscation, by the presence of the British Consul and his participation in the mere inquiry, so as to render that judgment *final*; and to raise his own subordinate, the European Commissioner of Customs, to the rank and position of a Consul and a Judge. From a similar motive Mr. Hart has been endeavouring, and not altogether unsuccessfully so, to centre the Consular or Vice-Consular appointments of several European Treaty-Powers in his own department,—one of the administrative branches, let it be remembered, of the Chinese Government. The principle, involved in the right of extraterritoriality, being consistently applied, it appears to us, that the legal decision of confiscation-cases against British subjects belongs exclusively to the proper British authorities, and that simply a seat on the bench should be accorded to the native Superintendent.

163. The third element of the Convention, referred to as irreconcilable with British interests, is contained in ART. I, upon which Mr. Michie comments thus:—

"The Chamber would beg further respectfully to observe in connection with the fact that several of the provisions in the proposed Treaty are less favourable to British Trade than those of the Treaties with the various Western powers now in force, that it is advised that the "favoured nation clause" (Art. I of the Supplementary Convention) cannot have a retrospective effect in favour of British subjects. That is to say, the definitive surrender of a privilege existing under the Treaties of 1858, or a new obligation voluntarily undertaken on behalf of British subjects alone, will debar them from thereafter claiming the benefits of previous Treaties which

they had in fact abandoned, even though other nationals might continue in the enjoyment of them. The result therefore of the ratification of the Supplementary Convention by H. M. Government, without identical concessions being made simultaneously by all the other powers, will be either to transfer the Trade in Silk and Opium, and perhaps also in manufactured goods, from the hands of British to those of merchants of other nationalities, or to compel the British merchant to resort to the device of transacting his business in the name of some foreign employé, both results being unsatisfactory in the extreme."

A still fuller exposition of the important bearing of our clause is given by Mr. Matheson, and deserves to be reproduced *in extenso*. "A final objection of the utmost importance", he submits to Lord Clarendon, "presents itself in examining.—

ART. I, on which, in conjunction with the separate agreement that the convention is not to take effect until ratified by all the Treaty Powers, the entire validity of the negotiation depends. Until now, every concession made by the Chinese to one power became, under the operation of the "most favored nation clause," the property of all the rest. By each new treaty it has been endeavoured to do something towards opening China further to Western commerce and civilisation, and hence the operation of this clause was simple and intelligible. For the first time, it is now proposed to give back to China a portion of its former concessions, as the price of new privileges; and in this policy the concurrence of other nations has to be sought. But the negotiators have overlooked the consideration that while on this occasion it is Great Britain that fixes the terms of the new arrangement, on the next revision of a treaty it may be some other power, and that power possibly unfriendly, or at least indifferent to our interests. Yet by its own act Great Britain would not be free to claim the privileges obtained by its neighbour unless it took them with all the accompanying disabilities and restrictions. The case will be made more intelligible by an illustration or two. Let the instance be taken of a Treaty Power largely interested in the silk trade with China, but with a very trifling interest in tea. Its Government might think it advantageous to arrange with the Chinese that there should be no export duty on silk, allowing them as a compensation to double the duty on tea. The subjects of this power would then get their silk free of duty, but when British subjects claimed the same privilege, Article i. of this convention would be quoted by the Chinese to show that, if they wish to enjoy it, the accompanying condition must be that they pay double duty on tea. And as this condition could not possibly be assented to, the entire silk trade must pass into the hands of other countries, with whose merchants British buyers would be unable to compete. Or take the case of another Treaty Power which has no trade with China, but is mainly anxious for a political standing and influence in that country. Supposing such a power were to negotiate the right of audience from the Chinese Emperor, abandoning in

¹ The whole of the Memorials, from private firms, as well as from the Chambers of Commerce, and mercantile communities, at the open ports of China were published,

return the right of access to the Yangtze and the whole of the interior, which is of no practical importance to its subjects. Great Britain, with its vast trading interests, could not assent to such a sacrifice, and yet without it could not enjoy the privilege conceded to its neighbour, which would thenceforward possess an undoubted pre-eminence at Peking, and in the estimation of native politicians occupy the first place among outer nations. It might even suit the policy of Chinese statesmen to take up some of the smaller powers, and grant them exclusive privileges in return for their abandoning Treaty rights of great moment to others, though of none to themselves. In short, in this article may be discovered the germs of much present embarrassment and of eventual disagreement of the most serious nature, both with China and with those Western powers whose friendly and united action has hitherto been a guarantee for peace and security to residents in China, and has become essential to the permanence and development of their trade.

This leaves us only to call attention to the tendency of the "Supplementary Rules", which add greatly to the objectionable character of the Convention proper, by further modifying its provisions in favor of the Customs authorities, both foreign and native, and opening wide and facile opportunities for confiscation, fines, illegal taxation, obstruction and chicanery.

164. Balancing, then, the insignificant material advantages, which the Peking Convention grants to England, against the large sacrifices it imposes on her, and carefully weighing those of its more prominent features, which characterise it as utterly irreconcilable with British interests as well as unacceptable in principle: it may well be asked, What can have induced a British Minister and Chief Superintendent of Trade in China to conclude such a Convention? And to conclude it, moreover, after due and prolonged consideration; aided by all the practical experience of the British mercantile communities of China; and with the chief aims, to which their united and just expectations tended, clearly set before him? Sir Rutherford Alcock replies: "he could not do more than obtain from the Chinese the best terms, compatible with his instructions;...H. M. Board of Trade was "strongly against demanding any such concessions, as were urged by the mercantile communities and the Press, and censured him for the language which he had used in respect to them";... "as Her Majesty's Minister, he

at the time, in some of the local papers, and subsequently republished in collective form.

was bound to take his instructions from Her Majesty's Government, and to negotiate under the conditions which they provided for, and Her Majesty's Government had deliberately come to a different opinion to that of the mercantile communities in China".¹ In these words Sir Rutherford Alcock, with an indiscretion truly astounding, would seem to lay the whole blame, attaching to the Convention concluded by him, on the shoulders of the Home Government, and almost to imply that, but for his instructions, he might have attained far greater concessions from the Chinese;—in fact, that the desire of the Tsung-li Yamén for progress was only restrained by the more retrogressive caution of H. M. Board of Trade. Now, it is true that, even before the arrival of the Burlingame Mission in London, the British Minister, in obedience it must be presumed to his instructions,² had, in discussing the pending revision of the Treaty of Tientsin with the Chinese Government, altogether ignored, despite of his assurances elsewhere to the contrary, the introduction of railroads and telegraphs.³ And we have reason to believe it moreover to be true, that the *threatening* language, employed by him at that time, and in which he was to some extent joined by the United States Minister, the Hon. J. Ross Browne, relative to other proposed concessions, even then resisted,⁴ was disapproved of by the Home Government after the Burlingame Mission, so warmly supported by Sir Rutherford Alcock, had influenced and modified its China policy. For this policy and the neglect of the commercial interests of England in China, *so forcibly urged against it by the British Minister*, Her Majesty's Government is responsible to Parliament. But, at the same time it is unquestionable, on the one hand, that Her Majesty's Government, in the very letter of January 28, 1869, addressed by Lord Clarendon to the Hon. Mr. Burlingame (153), continues to "expect from China a faithful observance of the stipulations of existing treaties,

¹ Sir Rutherford Alcock's Speech to the Hongkong Deputation in January, 1870, as reported, from "the Daily News" in "the North-China Herald" for January 18, 1870, p. 41.

² It is somewhat difficult, however, to reconcile this presumption with the instructions of the American Secretary of State to the Hon. J. Ross Browne, relative to the English proposals for revision, which the United States Minister is enjoined to support: see p. 331, above.

and reserves to itself the right of employing *friendly* representations to induce the Chinese Government to advance in the course, opened up by those treaties": on the other hand, that the Peking Convention does not realize those expectations; that the Gladstone-Bright Administration cannot possibly be accountable for the special concessions granted to China, and the blunders committed, by Sir Rutherford Alcock personally; and that the argument of the British Minister conveys no satisfactory answer to the question, put by us at the commencement of this paragraph.⁵

165. We have referred to the Peking Convention as "the Hart-Alcock Convention". In a letter, addressed on August 5, 1868, by Sir Rutherford Alcock to the Russian Minister, General Vlangali, he states:—

"It will be in your recollection that in November last I placed in the hands of the foreign representatives in Peking, a memorandum on the present condition of the Chinese empire and its internal administration in connection with a revision of treaties. ... Entirely in accord with what I believed to be the general sense of my colleagues, I presented in the following month (December) a note to the Foreign office, referring to the approaching fixed period by the treaty of Tientsin for a revision, if demanded on either side, of the commercial rules and tariff, and suggested that a mixed commission should be appointed, to sit at Peking and make a preliminary inquiry into various alleged abuses, and failure in giving effect to treaties, and to consider the best means of removing such grounds of complaint, if found to exist, and affording, in compensation for loss and damage already sustained by the foreign trade, increased facilities for its extension.

"The Foreign Office assented to my proposition, and for the last six months a mixed commission, consisting on the British side of Mr. Fraser, the senior Secretary of the Legation, and on the other part of two Chinese secretaries and Mr. Hart, Inspector-General of Customs, has been sitting.

"I caused a full exposition to be laid before the Commission of all the grievances detailed in the printed memorials of the merchants, with which you are acquainted, and submitted various propositions calculated, in my opinion, to remove prevailing abuses and restrictions on trade, hitherto preventing its development, in violation of the spirit if not in all cases of the letter of treaties. The result has been a declaration on the part of the

³ See Note 2 to (109) pp. 230—2, above.

⁴ The Hon. J. Ross Browne's despatch to the Tsung-li Yamén, dated November 23, 1868, published in "Addresses" presented to him by the Shanghai Communities, Shanghai, 1869, 8vo., p. 16.

⁵ Sir Rutherford Alcock's unpublished despatch to the Tsung-li Yamén, dated November 9, 1868, of which we have a copy before us.

Foreign Office of its willingness to accede to many of the proposals made, to some unconditionally, to others subject to certain modifications in the tariff and trade regulations."¹

In this statement we have the key to the failure of a proper Revision of the Treaty of Tientsin, and the true explanation of the unsatisfactory character of the resulting Convention. That Convention is virtually the work of Mr. Hart. As in the case of the Burlingame Mission, the British Minister has allowed himself to be made the tool of the Confidential Adviser of the Tsung-li Yamén. His initial and great error consisted in giving his assent to a Convention, constituted as this Commission was. The senior Secretary of the British Legation in Peking, Mr. Hugh Fraser, is an amiable, well-bred, and upright English Gentleman; but, as the result has proved, not fit to represent British interests, in conflict with a majority of unscrupulous officials of the Chinese Government. Of the prolonged "sittings of the Commission" we only know that, usually at least, they assumed the form of ante- and postprandial deliberations at the residence of the Inspector-General of Chinese Maritime Customs, and that, when "the two oldest clerks of the Foreign Office" happened to be present, Mr. Fraser was generally assisted by Mr. Thomas Adkins (108), as Interpreter.²

166. Thus the general tenour and retrograde bearing of the Convention, in which those deliberations resulted, and in so glaring a manner reflecting Chinese views and favoring Chinese interests, explain themselves. The difficulty, which remains, is to account for the approval and adoption of such a Contract by the responsible British Minister. Is the admission of the important ART. 1 simply due to Sir Rutherford Alcock's incapacity, and want of perspicuity? Then, great has to be esteemed that incapacity, indeed. And is the peculiar wording, involving such grave disadvantages to British merchants, on the part of the Chinese Commissioner Mr. Hart, also attributable only to a confusion of ideas? or was it premeditated?

¹ Sir Rutherford Alcock's Letter to the Russian Minister M. Vlangali, dated Ling-Kwang-Sz', August 5, 1868 (American "Papers relating to Foreign Affairs", Washington, 1869, Part i, 8vo., p. 585).

² "The commission referred to was mentioned by me in a former dispatch, and

And does a high pay in sycee silver by the Chinese Government altogether relieve a British subject and an English gentleman of his duties as such? As to ART. II its true aim and object was, at the time, matter of notoriety with those in Peking, who knew what was going on; and by what arguments the British Minister is to vindicate his assent to it, we are at a loss to conjecture. The granting, at the expense of the British-Indian and English Exchequers, to the retrogressive Chinese Government an annual sum of upwards of two million taels, or £700,000 sterling, for inducing it to permit the impressing on the Convention the *fictitious* stamp of "progress", may have given to both Sir Rutherford Alcock and Mr. Hart, being in the habit of wasting public money, little concern. But it is different, again, with ART. III. "The most important of the Articles", Mr. Keswick truly remarks in reference to the Treaty of Tientsin, and the one, from the glaring "and systematic violation of which we have most suffered, is the 28th; by which it was provided that British imports, which had paid the tariff-duty, should be conveyed into the interior free of all further (Government) charges except a transit duty, which was not to exceed 2½ per cent on the tariff value. The merchants of every part in China have loudly and constantly complained of the manner in which, in the teeth of this clause, heavy duties have regularly been imposed upon foreign imports on their way to the interior from the place where landed. In some ports, Amoy and Foochow for instance, they have become so excessive as virtually to put a stop to the importation of British goods at either of those places". To add insult to injury, the Chinese authorities maintain to have a legal right to the imposition of this illegal taxation, from the moment that the foreign goods, intended, of course, for native consumption, pass into the hands of the native trader or buyer. We have already given a striking illustration of their mode of proceedings as enforced, at the rate of 50 per cent additional upon the tariff duty, in the very British Settlement, and within a hundred yards of the Shanghai Custom-

consisted of Mr. Hugh Frazer and Mr. T. Adkins on the part of Sir Rutherford Alcock; and two of the oldest clerks in the Foreign Office, aided by Mr. Robert Hart, on the part of Prince Kung".—*Dr. Williams' Despatch to Mr. Seward, September 26, 1838, Papers relating to Foreign Affairs, Washington, 1869, 8vo., Part i, p. 575.*

House (125).¹ The exactions, to which it leads in the interior of China may, therefore, be readily inferred from that case. They assume every shape and form, and are resorted to upon every convenient occasion. Thus, Mr. Matheson cites the fact that, in December, 1869, "owing to the levying of a very heavy tax by the Vice-roy upon various guilds in Canton, connected with foreign imports, to meet the expenses of a war in Yunnan, the guilds, to recoup themselves, added extra charges upon various piece-goods of foreign manufacture, varying from 10 cents to 40 cents per piece, cotton yarn 5 dollars per bale, &c". Yet all this is done in distinct violation of treaty-rights. "The treaty rights", Sir Rutherford Alcock, states in a despatch of April 1, 1869, to H. M. Consul at Shanghai, as quoted by Mr. Matheson, "is admittedly this: that all imports and exports, being *bonâ fide* constituents of foreign trade—as distinguished from a coasting or Chinese trade, only in foreign hands—may be certificated by transit, and sent from one end of the empire to the other, exempt from all taxes or charges other than the tariff of imports and a commuted inland or transit due of 2½ per cent; and this whether the goods or produce may be in Chinese or foreign hands". Nor is the illegal taxation restricted to articles of importation; being extended even to the great staple-articles of Chinese produce. "It is well known" Mr. Matheson submits to Lord Clarendon,—

"that silk is already burdened with a much higher scale of taxation than the recognised tariff; and the illusory character of the remedy promised by the convention for such exactions—namely, a return of the

¹ As an illustration we may give "the Hwei-ngan barrier-case", which occurred in October, 1868. The official in charge of that station was a Tatar Hoppo, who farmed its taxes directly from the Central Government at Peking. A month or two previously he had illegally stopped a quantity of English shirtings of the value of about Tls. 2,000—for twenty-eight days, before H. B. M. Consul succeeded in obtaining their relief. In the present instance he applied the same process, with the same view—a heavy illegal taxation—to Chinese produce, purchased in the interior by two English merchants and coming down under the protection of transit-passes. The shroffs, in charge of the boats, refusing to pay his unjust demands, he had the men seized and flogged, until, denied food and threatened with death, they signed a statement to the effect, that the transit-passes were false, and the goods not English property, but their own. On H. B. M. Consul in Shanghai, Mr. Medhurst, being applied to, and despatching a letter of remonstrance, the Hoppo had its bearer imprisoned and threatened with death, to make him confess the Consular despatch to be a

amount upon sufficient proof—may be estimated by the following particulars. Mr. Fitzroy, formerly commissioner of customs at Shanghai, in his official report, dated March 15, 1867, says that silk coming from the interior to Shanghai pays more than 30 taels per bale (equal to 37.50 taels per picul) as transit dues. Foreigners, to escape this excessive levy, took transit passes at 5 taels per picul. It now appears that the Chinese have met this move by taxing the native dealers in silk instead of their produce; and licenses to trade are issued to them at the rate of 26 dollars on every bale of raw silk, and 36 dollars on every bale of thrown silk passing through their hands, or equal to about 18.6 taels respectively per picul. This exaction is happily illustrated by the Shanghai Chamber of Commerce, in the following passage:—"What would I have been said if, immediately after the conclusion of the Golden Treaty with France, the French Government had proceeded to place a tax, not upon English goods, but upon those who traded in them? or what would have been thought if, in the British Parliament, a poll-tax had been voted upon all persons who dealt in French wines? It is scarcely to be imagined that such ill faith would have been tolerated—and yet it is what we are submitting to in China to this day."

To a similar inland taxation, we understand, tea is subjected. Now, both Sir Rutherford Alcock and Mr. Hart were fully acquainted with all the circumstances, alluded to in the present paragraph, before the negotiations, connected with the Revision of the Treaty of Tientsin, were entered into, and at the conclusion of the resulting Convention, which not only does not maintain existing treaty rights, and grants large pecuniary concessions to China for questionable or utterly inadequate advantages: but, moreover, places, to a great extent, British commerce in China at the mercy of the Imperial Government in combination with other Powers; imperils the trade, and the privileges of the British possession of Hongkong; renders compulsory the payment of a transit-due of 2½

forgery. Mr. Medhurst took the opportunity to settle the matter, simultaneously with the Yangchow affair, of which we shall have to speak further on, on November 23, 1868, as follows:—

" Compensation to Mr. Canny	Tls. 506.20
Compensation to his shroff for losses and expenses	" 303.72
Compensation to Mr. Bean's shroff for losses	" 43.80
Compensation to Mr. Canny's and Mr. Bean's shroffs for ill-usage ...	" 58.40
Compensation to Mr. Bean for value of <i>goods lost sight of</i> , to be re-funded provided said goods are produced within a given time ...	" 896.00

Tls. 1,808.12".

The barrier in question is situated near Chin-cheang-pu, a city on the Grand Canal about 95 li (30 miles) north of the Yang-tse. ("North-China Herald" for October 17, October 27, and December 8, 1868.)

per cent, unreasonable and unjust in itself, on the condition of future exemption from illegal taxation, without any guarantee of its due fulfilment, nay with a knowledge of the moral certainty of its non-fulfilment; and, by restricting the operation of this clause to the provinces, in which the treaty-ports are situated, legalises, as it were, in principle the illegal practices of the Chinese authorities, and knowingly and designedly shuts out the non-treaty provinces and vast dependencies of China from all commercial intercourse, of a more extensive nature, with England. It, therefore, appears to us manifest, that the Chinese Commissioner, Mr. Hart, being a British subject, has, by the part taken by him in the Revision of the Treaty of Tientsin and the preparation of the Peking Convention, given another and striking proof of his disloyalty to England; and that the British Minister, Sir Rutherford Alcock, in formally concluding that Convention, under the instructions, as he states, of H. M. Board of Trade,¹ has rendered himself guilty of a neglect of British interests, which casts the accusation of incapacity and national disloyalty, incurred by him, upon Her Majesty's Government, and of disregard of public duty, as the Representative of England, upon himself. To question here his Excellency's statement to the

¹ We subjoin the Hongkong speech of Sir Rutherford Alcock, in which the statement in question occurs, as reported, from the *Daily Press*, in "the North-China Herald" for January 18, 1870:—"After the deputation had been introduced, Sir Rutherford Alcock said that he was very glad of the opportunity which was afforded him of meeting the representatives of the Chamber of Commerce and the Community of Hongkong. His Excellency then went on to say that it was only right to notice a circumstance that was too frequently overlooked in the comments made with reference to his conduct, namely, that he could not do more than obtain from the Chinese the best terms compatible with his instructions. He was not a free agent, but Her Majesty's Minister. As far as he was personally concerned, he would be glad to show the deputation the nature of all that had been done; and so far as he felt authorized to do so, he would frankly state to them the nature of the long negotiations which had terminated in the convention. They had extended over more than eighteen months, and he thought that the specimen of printed papers which he held in his hand, which embodied the despatches that had been passed during that period on the subject, showed that at least considerable attention had been paid to it. He was only at liberty to quote to them such portion as was of most interest, as showing the circumstances under which the revision was effected. It would be desirable to give some explanations as to particular clauses. He held in his hand a document (a memorandum from the Board of Trade), from which he might without indiscretion quote certain passages. First, he would show under what conditions alone it was possible to negotiate, and would read extracts from the memorandum, illustrating the nature of the instructions under which he had acted. The subject was to be con-

apparent effect that, also in regard to Articles I, II, III, and IX of the Convention, "he was not a free agent", but bound to take his instructions from Her Majesty's Government, we have no right. It derives, moreover, some support from a letter of the Earl of Granville to Sir Rutherford Alcock, of July 25, 1870, announcing to him that Her Majesty's Government had determined to advise Her Majesty not to ratify the Convention,—a determination, simultaneously notified by his Lordship to Mr. Hugh M. Matheson, as Chairman of the London Committee of merchants interested in the trade of China. We reproduce both documents, as they appeared in "the London and China Express" for August 5, 1870:—

EARL GRANVILLE TO MR. HUGH M. MATHESON.

Her Majesty's Government have given their most attentive consideration to the representations that have been made to them by the merchants of London interested in the trade with China, and by different commercial associations in this country, and also in China, urging them to advise Her Majesty to withhold her ratification from the Convention signed at Peking on the 23rd of October last by Her Majesty's Plenipotentiary and those of the Emperor of China, and having for its object to improve and extend the commercial relations between the two countries, by securing for them advantages not provided for in the Treaty of Tientsin.

Her Majesty's Government have received with much regret this general

sidered under two divisions; first, as to the existing treaty; and, secondly, as to the modifications which it was designed to introduce in it by the revision. The most important point under the first heading, was the arrangement as to transit dues, and the right of protection in the interior as originally contemplated by the treaties. Upon this point Her Majesty's Government was of opinion that all that could be claimed under the Treaty of Tientsin was that at the Treaty ports the importer had the right to sell his goods in the market, and to send them into the interior free from more than the tariff and Treaty duties; but that when out of his hands, they had to take their chance. He hoped that the terms now agreed to might operate in removing these restrictions. Their general character might be summed up as being, first, to allow all foreign goods to circulate freely throughout China on payment of the tariff and transit dues; secondly, that refund was to be made of any charges paid in excess of such tariff and transit dues; and, thirdly, that with regard to such articles as formed the subject of monopolies, British subjects should be allowed to deal in them upon the same terms as the Chinese. The Chinese authorities took up a ground which was certainly very fair. They said: We cannot give your nationals any *exclusive* privileges, but they shall be placed at perfect liberty to trade on the same footing as our own people. With respect to the concession of inland navigation, although they refused the right to foreign vessels—and His Excellency was not aware of any country that conceded such a right—they were yet willing to allow such navigation on the same footing as it was pursued by their own subjects. They held that we had no right to more; but they were quite willing to grant that much. Foreigners might navigate the inland waters in vessels of the same type as those used by the Chinese;

expression of dissatisfaction with the proposed arrangement. It was hoped that it might secure, at an inconsiderable sacrifice on the part of England, great immediate, and still greater prospective advantages. It would, in their judgment, have promoted the textile industry of the manufacturing districts by facilitating the importation of its products into the most important provinces of China; and, not to dwell on other minor advantages by which commerce might have eventually been developed, it would have relieved Chinese produce on its way from the interior to British Markets from undue exactions on the part of local authorities.

Her Majesty's Government have had to decide whether they should abide by their own impressions, and advise Her Majesty to ratify the Convention, or should defer to the adverse opinion which has been insisted upon by the mercantile community more directly concerned in the question.

Although they are not free from doubt whether the decision which they take is calculated to promote the real interests of the commercial and industrial classes, Her Majesty's Government have, nevertheless, determined to defer to the wishes expressed by the commercial bodies who have so urgently appealed to them, and they have accordingly advised Her Majesty to withhold her ratification from the Convention of the 23rd of October last; and they will forthwith announce to the Chinese Government, and to the Governments of other Powers having Treaties with China, that the Convention will not be ratified by the Queen.

EARL GRANVILLE TO SIR RUTHERFORD ALCOCK.

Foreign-office, July 25, 1870.

SIR,—The various communications which, since your return to England, you have had with this Office and the Board of Trade, will have

and it was further important to note that the restrictions as to steam would be removed whenever the Chinese themselves commenced to employ steamers, when foreigners would be at equal liberty to do so. The correspondence which had taken place showed that the Home Government was inclined to think all steps in this direction would be most dangerous and calculated to bring about complications; while the Chinese, except under a system of penalties and licenses tending to prevent such results, strongly deprecated that foreigners should go into the interior in steamers under their Treaty rights, until the people had become more familiar with foreign ways and foreign appliances. The Deputation would thus see that His Excellency's hands had not been free to do as he might wish in such questions. It was the habit to speak on all occasions as of this, that, or the other act of Sir Rutherford Alcock; but the paper from which he had already quoted contained a strong expression against demanding any such concessions as were urged by the mercantile communities and the Press, and censured the Minister for the language which he had used in respect to them. It would thus be seen that the only censure which His Excellency had received, was for going too far in the direction of advocating commercial concessions. The provision respecting a tug on the Peyang Lake, which had been the subject of a great deal of comment, such as showed it was not properly understood, was of importance, as the beginning of a system which might ultimately be worked into practical use. Next, with respect to travel in the interior, His Excellency quoted from the Board of Trade Memorandum, which was to the effect that their Lordships thought this question was an act of Chinese administration, and beyond this, they

prepared you for the announcement that I have now to make to you, that Her Majesty's Government have determined to advise Her Majesty not to ratify the Convention which you concluded with the Chinese Plenipotentiaries on the 23rd of October last.

I wish you, however, clearly to understand that, although such is the decision of Her Majesty's Government, nothing can be further from their intention than to impute to you any blame for the part you took in the conclusion of the Convention. On the contrary, Her Majesty's Government most highly appreciate and approve your zealous and indefatigable exertions throughout the whole of the long and difficult negotiations which preceded the signature of the Convention; and Her Majesty's Government much regret that the view taken by the mercantile associations in this country and in China of the probable benefit of that Convention, if ratified, to the commercial relations between the two countries, has not coincided with the view which Her Majesty's Government had hoped would be taken of it.—I am, &c.,

(Signed)

GRANVILLE.

167. We have no desire to comment upon the inconsistency, on the one hand of the non-ratification, and the entire approval, of the Convention by Her Majesty's Government, which lays H. M. Government open to the suspicion of having sacrificed its honest convictions for the national good to mere political party-interests; on the other hand of the approval of a Convention, which waives some of the most important stipulations of the Treaty of Tientsin, and Lord Claren-

took no notice of the matter, except to express their opinion that the present arrangements were all that are required in the interests of commerce and peace. With respect to the concessions asked, first, to establish stores and residences in the interior; next, as to steam navigation; and finally, as to the working of mines, the minute set forth that while giving due credit to Sir Rutherford Alcock for his efforts in this direction, their Lordships were unable to regret that he failed in obtaining concessions on these points. They believed the first of them, namely the right of residence, would with the extritoriality arrangement in existence, be attended with great danger. If there were only one foreign power concerned in the matter, it would no doubt be easier, though even then, they would advise the concession not being urged, but with a large number of foreign nations, all claiming extritorial rights, there could be nothing more calculated to bring about complications. With respect to railways and telegraphs, they could not be asked as Treaty rights, and should at first be introduced only as experiments, and any general scheme should be inaugurated by the Chinese themselves. No new attempts should therefore be made at obtaining privileges in this direction. His Excellency, as Her Majesty's Minister, was bound to take his instructions from Her Majesty's Government, and to negotiate under the conditions which they provided for, and Her Majesty's Government had deliberately come to a different opinion to that of the Mercantile Communities in China. They might be sure that Her Majesty's Government earnestly wished, so far as they could, to further the trading interest of the country, and no doubt had formed their opinion upon careful consideration, and for weighty and sound reasons".

don's declaration that "Her Majesty's Government expects from China a faithful observance of the stipulations of existing treaties" (153). But, in order to show how fully we are justified in expressing surprise at that approval, and the approval of the action of Sir Rutherford Alcock in connection with the Convention, after H. M. Government had "given their most attentive consideration" to the clear and able exposition of its dangerous bearing and utter irreconcilability with British interests; and how far we are from exaggerating the injurious character and tendency of the Convention: we may be permitted to quote a passage from the British Minister's own (unpublished) despatch, dated November 9, 1868, to the Tsung-li Yamén, which reads thus:—

"Without *effective* measures for the removal of obstructions and exactions, persistently insisted upon by the provincial and local authorities, no free development of Foreign Trade in the interior being possible, as the experience of the last eight years has shewn: what can the refusal to adopt such measures be held to indicate but a determination to persevere in a course, which amounts to a nullification of the Treaty (of Tientsin) in its most important object, which, it cannot be too often repeated, was the protection and extension of trade throughout the Empire? No Foreign Power," Sir Rutherford Alcock goes on to argue, "no Foreign Power with large interests at stake can be expected to submit patiently or indefinitely to so flagrant a wrong in violation of a Treaty, which was the last result of a costly war. If a nation incur all the expense in life and money in a great war, 14000 miles from their own coasts, to defend their interests and protect their commerce, it is impossible to suppose it will see that object entirely defeated by failure of execution in the Treaty-stipulations, which were the price of peace. If, as Your Imperial Highness would seem to contend, the Treaty of Tientsin does not stipulate for such measures as these now proposed, seeing that no trade in the interior can prosper without them, all that can be said in reply is, that, were this to be admitted by Her Majesty's Government, it would only afford an additional reason for claiming such a revision as should supply the deficiency. But I still hope, Your Imperial

¹ When Sir Rutherford Alcock presented to the Tsung-li Yamén his eighteen "Heads of a Communication" on November 9, 1868 (109, 2), he went, exceptionally accompanied by the whole of his mounted escort, *en grande tenue*. The preamble reads: "The British Minister has asked for this interview to assure himself, that the Prince Kung and Ministers of the Foreign Board clearly comprehend the present position of affairs, as regards the proposed measures for the better execution of the Treaty, and the approaching period for a revision". Under the 15th head he says: "They (the several Treaty-Powers of the Western World) will see (unless certain concessions are made) "that nothing more is to be hoped from negotiations, dictated by a spirit of peace and goodwill towards China, and that, if execution is to be obtained for existing treaties, it must be secured by other arguments, than those hitherto

Highness and the Members of the Yamên collectively, will see that the time has arrived for removing all just cause of complaint, and placing the trading relations of British subjects in the interior on the footing of *security and immunity from illegal taxation and obstructions, without which the Treaty itself becomes a dead letter.*"

Now, we willingly admit that such was the language, and such were the arguments, to use towards the Tsung-li Yamên in support of an effective Revision of the Treaty of Tientsin relative to the important point, here specially referred to by the British Minister. But, what language, what arguments could at the same time convey a stronger condemnation of ART. III. of the *Convention actually concluded*? Those were the efforts of a mountain in labour, bringing forth a mouse. The fine oratory of Sir Rutherford Alcock in Peking was simply thrown away, partly because of the finer oratory of the Hon. Mr. Burlingame in London, effervescing with his own support; partly because of that particular Commission of Revision, sitting at the residence of the confidential adviser of the Tsung-li Yamên at his own instigation. It was worse than useless for him to urge upon the Chinese Government the necessity of progress, and to endeavour almost to "bully" them into reasonable concessions; ¹ when Mr. Hart, in whom he placed an unreasonable confidence, and who was but too well informed of the situation, knew what value to set on the *empty* threats of the British Minister, and to profit by them both for his Tatar masters, and by largely strengthening his position as connected with the Tsung-li Yamên, for himself.² The Hart-Alcock Convention was a miscarriage: the offspring of disloyalty, unscrupulosity, and intrigue on the one hand; of infatuation, incompetence, and want of judgment on the other. Dead and buried:—its only use now is its history.

resorted to by their Representatives". What authority Sir Rutherford Alcock had to speak thus in the name of the Western Powers generally, we know not; but in the (also unpublished) despatch which, subsequently to his interview, he addressed to the Tsung-li Yamên, he reminds Prince Kung, that it was: "this day eight years ago, Lord Elgin, and the army that accompanied him, left the gates of Peking". Such language was, under the circumstances, diplomatically unpardonable, and only calculated both to irritate, and to defeat its own object.

² A late Foreign Minister at Peking remarked some years ago: "One of the difficulties of my position here is, that I can place no reliance on our.....Nothing of moment passes at this Legation, that does not come to the ear of Mr. Hart; and I presume it is much the same at the other Legations".

169. In casting, then, one more glance at the new China policy, adopted by Her Majesty's Government at the impulsion of the Burlingame Mission, and which we have here, at some length, animadverted upon with a view, not to the past but to the future: it will have to be admitted that, whether politically or commercially considered, it does little credit to the statesmanship and sagacity of Her Majesty's present advisers. All it has effected is, to expose them to a grave responsibility before Parliament. It has formally placed England in the position of a Chinese dependency; encouraged and strengthened the anti-foreign element in China; invited the hostile attitude of Chinese officials; endangered our peaceful relations with the Central Government; abandoned the lives and property of British subjects, at the open ports and elsewhere, to peril and destruction; retarded the expansion of our commerce; allowed the Treaty of Tientsin, in some of its most important provisions, to remain a dead letter; submitted to its flagrant and systematic violation on the part of the Chinese authorities; and rendered another war with China all but inevitable. On tracing this fatal policy to its source, we find the latter to be the disloyal, intriguing, and ill-directed ambition of a British subject in the pay of the Chinese Government,—the confidential adviser of the Tsung-li Yamén, Mr. Hart, as the originator, in union with the incapacity of the British Minister at Peking, Sir Rutherford Alcock, as the fervent supporter, of the Burlingame Mission. The Inspector-General of Chinese Maritime Customs is still permitted to act the part of a political *dilettante* and intrigant at the Northern Capital. The Representative of England, smarting under the displeasure of his own countrymen in China, and a last insult, offered to him, on leaving China, by the Governor-General at Nanking, has gone home to see the Convention, to conclude which he had laboured so hard and so long, repudiated by Her Majesty's Government, yielding to the reasoning and the influence of those very merchant-princes, whom in his own conceit he affected to disdain; and to behold the hopes, he had associated with its ratification, doomed to destruction. Let the Gladstone-Bright Administration take a warning of Sir Rutherford Alcock. The yearly value of the Foreign Trade with

China exceeds, at the present time, one hundred million pounds sterling.¹ To simply enforce the stipulations of existing treaties, would be, within a few years, to *double and treble that value*. So vast are the interests at stake. British Commerce and Industry can ill afford to have them any longer neglected by an indifferent or an incompetent Ministry.

¹ This sum includes the "Trade coastwise of all the Treaty Ports inter se, carried on under foreign flags". The "Import Trade from foreign countries and the Export Trade to foreign countries, carried on under foreign flags", barely amounts to half that sum. The total value of the whole, in 1866 Taels 318,082,700, was divided between the different flags as follows:—British, Taels 225,848,600; American, Taels 53,099,900; North-German, Taels 24,722,950; French, Taels 4,181,500; Siamese, Taels 2,572,150; Danish, Taels 1,994,000; Dutch, Taels 1,972,200; Spanish, Taels 778,000; Sweden and Norway, Taels 783,300; Chinese, 455,500; Hawaiian, Taels 295,100; Portuguese, Taels 219,400; Russian, Taels 163,100; Austrian, Taels 67,200; Belgian, Taels 36,900; Japanese, Taels 1,800; Sundry, Taels 890,300: Grand Total Taels 318,082,700, or upwards of £1,000,000. (Reports on Trade at the Ports in China open by Treaty to Foreign Trade for the year 1866, published by order of the Inspector-General of Customs, Shanghai, 1867, 4to., p. 150.)

§ 18.

THE WESTERN POLICY AND THE DIPLOMACY OF THE
CHINESE GOVERNMENT.

169. So little is known by Europeans of the state of political parties in China,—if such parties, properly speaking, can be said to exist within the Dominions of the Son of Heaven—; of the principles and motives of action of Chinese statesmen; of the intrigues of the Tatar Court; of the Chinese system of administration; of the organisation of the numerous Secret Societies, which are believed to infest the Celestial Empire; nay, of the condition of the people at large, and the very mode of working of the Central Government: that, even under ordinary circumstances, it would be difficult to arrive, from direct knowledge, at anything like correct opinions regarding the “Foreign” Policy of the latter, and the Diplomacy of the Tsung-li Yamén. At the present epoch this difficulty is still increased. During the last five years the Government has, in the name of the young Emperor, been carried on, after the *coup d’état* against Prince Kung (96, 6), by the Empresses Dowager and the Privy Council, of which the Prince is now simply a member. The Emperor, who is said to be kept in ignorance upon many important matters, being about to assume the reins of absolute power himself: his Ministers, on the one hand, will have to render an account of their stewardship, and to disclose to him the real state of public affairs; on the other hand, struggling for the Imperial favor, they must naturally be anxious to deliver up the Empire to “the One Ruler of the Earth” in as prosperous a condition, and in as perfect a state of accordance with Imperial traditions and the personal views of the youthful Sovereign, as may be. With the latter no Western man is really acquainted. Their general tendency, as regards his “Outer States”, we can only infer from facts such as this, that the Emperor’s First or Classical Tutor, Wóu-jén (92, 2), in a late

Memorial to the Throne acknowledged, in the words of one of the Sacred Books of the Chinese approvingly quoted by him, that it would afford him delight "to eat the flesh of the foreigner and use his skin for a couch to rest upon"; and, with greater assurance, from passing events and the attitude, more recently assumed by the Tsung-li Yamén. Yet, to some extent vague and uncertain as these indications necessarily are, they suffice, in connection with the well-defined position of the "Ruling Central State" relative to the "Dependent Outer States" of the Ta Ching Empire, the known polity and character of the Chinese, their astrological superstition, and other secondary elements, to enable us to form a tolerably reliable judgment as to the national—or, more correctly speaking, dynastic—objects, in special reference to the West, which "the Central Government of the World" has proposed to itself, and the system it has adopted to carry them into effect.

170. The character of this Government, as conceived by the Chinese, is formed by a combination of three elements: the divine-absolutistic, represented by the Emperor; the intellectual-democratic, represented by the governing officials; and the central-aristocratic, represented by "the Flower" of the human race: the former being of its nature universal, the latter restricted and localised. According to this idea, the Central State or "the Flower (*i. e.* the Pride) of the Lands of the Earth",—the "Flowery Land", as it is more usually, though erroneously, designated by Europeans,—and its population, holds among the Ten-thousand States, and the Ten-thousand Peoples, of (the Ching Empire of) the World a position, analogous to what the county of Middlesex, and the Court, with the most exclusive portion of the governing aristocracy, of England, viewed as a body, and supposed to populate the county in question, would hold among the different stocks of the common people, and the various counties, of the United Kingdom. To render the contrast still greater, the Chinese have, for centuries past, been taught that the Outer Lands are little better than barren deserts or inaccessible wildernesses, and the Outer Races mere savages and barbarians. Thus has been created, on the part of the Chinese people, an intense feeling of national pride, vanity and conceit, to

which the entire West, inclusive of the United States, furnishes no parallel. If we imagine the highest excellence in virtue, intellect, art, science, and everything, to which Europe, as represented by her most eminent men and women, has attained: the people of China, as one body, being the aristocracy of the human kind, range, in their idea, high above that level. The common Chinese water-carrier thinks himself more noble than any "outer" *i. e.* foreign Emperor or King; and the most squalid beggar upon the streets of "the Capital of the World" feels himself superior to the "barbarian" President of the North-American Republic. There would be something grand in these notions, if they did not derive their sole support from geographical ignorance and historical isolation. But, the extreme national pride and conceit of a people are one of the most powerful engines of government: and, since actual contact with Western nations would obviously tend to weaken and gradually to destroy its efficacy, it must as obviously be the policy of the Government of China, fundamentally resting as it does on the central-aristocratic idea, to maintain in its integrity the traditional distinction between the 中 and the 外 of the Chinese Empire Universal; to preserve, to the utmost of its strength, "the Flower" of the human race from contamination with the barbarian "outer world"; and to keep geographical ignorance and historical isolation of the Celestial people as intact as possible.

171. Elevated a position, however, as they hold compared with Western nations, the aristocracy of the Earth, in its turn, is divided into four classes, the highest of which is the class of *literati*. As the Chinese people at large are the Flower of mankind: so the *literati* are the Flower of the Chinese people. They represent the intellect of the nation: for, the class being open to the entire body of the population, to merit alone, tested by public competitive examinations, the entrance is granted. The test is far from being a high one (128): yet, such as it is, generally speaking it is fairly applied; and there is little room for favoritism to be shown to the candidates, whether at the examinations in the provinces or, finally, in the Capital. Three literary *degrees* are conferred. They are not to be confounded with the nine literary *distinctions* in the shape of

as many differently colored buttons, to which the former convey a claim, as both convey a claim to official appointment and its emoluments,—the one great, practical aim of all Chinese ambition and intellectual effort. The whole world of Chinese officials, both civil and military and from the lowest to the highest, are, with rare exceptions, taken from this class of democratic literates, numbering about half a million of actual Government employés and aspirants. They may rise to the position of Governors General of Provinces, Presidents of one or more of the Six Boards of Government, Members of the Privy Council, and attain to any of the five ranks of Chinese nobility, though the latter are very sparingly bestowed. Hence it will be easily concluded, how high, in their own opinion, the Chinese literates, as a class, tower above the common people aristocrate, from which they have sprung; how strongly antagonistic the whole class must be to all foreign intercourse, as tending to dispel not only the national conceit, in which they participate and which it is their interest to nourish, but the very nimbus, which surrounds their own position; how irresistible a hold upon the people at large the intellectual-democratic element of the Chinese Government gives to the latter; how vast is the influence at all times at its command through the entire class, whether employed or unemployed; how perfect and complete the governing machinery to work that influence for any anti-foreign purpose; and how essential a part of the policy of the Chinese Government it must be to secure the loyalty and attachment not only of its public servants, but of the *litterati*, who alone supply the ranks of the latter generally.

172. Higher, far higher again than the highest mandarin, in Chinese opinion, towers above the "outer barbarian", the One Ruler of the World, whom we are accustomed to call the Emperor of China, towers above the highest of mandarinkind. The only man, in his time possessed of complete virtue, moral, intellectual, and physical, the "Son of Heaven", and the chosen Representative of Heaven on Earth, he is by Heaven endowed with its own divine, supreme, and absolute Power to rule the Earth and the peoples of the Earth. In other words, it is, as we have already had occasion to remark, God himself, who rules the Earth through, and in the

person of His own chosen Vicar; hence also the sole mediator between the Deity and mankind, Monarch and Highpriest in one incarnation. To this idea, under the inherited impression of centuries, the most enlightened of the Chinese *literati* are subject; to this principle, whether from conviction, mutual jealousy, or policy, the mightiest of the Chinese nobility submit. If it demand the head of the first Prince of the Blood Imperial, that head falls: if it demand the humiliation of the Emperor's Uncle, he weeps in sack-cloth and ashes (96, 6). To-day, it summons Tsêng Kwo-Fan and Li 'Hung-Chang to appear before the throne of the Monarch-Boy, and they appear; to-morrow were it to send these magnates of Chinese magnates into exile, they would "tremblingly" obey. So long as the Emperor of China proves himself to be the *true* Representative of Heaven, by giving peace to the land and food to the people, his Power is *absolute*; and, even in times of internal trouble and famine, it is hardly impaired beyond the actual range of the rebellion. As the central-aristocratic may be designated as the sub-stratal, and the intellectual-democratic as the binding, so the divine-absolutistic may be designated as the sustaining, element of Chinese polity. The two latter, combined, constitute the vitality and the strength of the Central Government. What could, in theory at least, more forcibly express this strength, than do the previously cited words of Yung-Chêng: "I, THE EMPEROR, individually, am the Lord of the World" (57)? Or, as "the Book of Odes" has it: 普天之下莫非王土率土之濱莫非王臣. "All the lands under Heaven are the Emperor's property; all the inhabitants of the Earth are the Emperor's subjects". "You have yourself shown", some of the high officials of Peking said to Sir Harry Parkes, when in captivity, "that you have been long in China, that you can speak our language and read our books; and you must know that there is but one Emperor, who rules over all lands. It is your duty to communicate your superior knowledge on the subject to your countrymen, instead of encouraging them in their extravagant ideas". Manifestly, therefore, it must be one of the chief aims of the policy of the Chinese Government to uphold, in the mind of the Chinese nation, the idea of the divine-absolutistic

principle of Universal Supremacy, inherent in the Crown of China,—an aim which is as antagonistic to all foreign intercourse, as are, in their own judgment at least, the interests of the body of Chinese officials and *literati*.

173. From what has thus been said, we shall hardly be wrong in concluding that the principal objects of the “Foreign” policy,—*i.e.* the policy, bearing on the relations of the Dependent Outer States with the Central State of the Ching Empire of the World,—pursued by the Chinese Government generally are: 1stly to maintain, in the sight of China, the position of her Sovereign as the One divinely-appointed absolute Ruler of the Earth and Mankind, to whom all “barbarian” Princes, his feudal Lords and vassals, owe allegiance; 2ndly, to preserve the loyalty and attachment of the official and literate class of China; 3rdly, to encourage the national pride and conceit of the Chinese people; 4thly, to keep China at large in, or again reduce her to, a state of complete isolation from intercourse with surrounding nations; and that, especially at the present period, when the youthful Emperor of China is about personally to assume the reins of absolute Power, it is the anxious desire of the Chinese Government, to hand over to him the Empire Universal in the most perfect possible condition of conformity with the Imperial Traditions. In this desire we possess, no doubt, the principal key to the recent action of the Tsung-li Yamén, as directed by the Empresses Dowager and the Privy Council. It would, naturally, have been strong under ordinary circumstances: in the actual state of things, it cannot but be doubly strong, partly from a sense of responsibility on account of the position, which the “foreign” relations of China have assumed since the death of the late Emperor; partly from a secret consciousness of the growing weakness of the state, which, despite of all efforts made, of appearances kept up, and superstitious hopes entertained, is creeping over the conceit of the Chinese Government; and partly from a knowledge of the supposed anti-foreign bias of the Great Monarch, in whose favour they would wish to stand high.

174. The first of the objects, to which we have just alluded, the Chinese Government has, thanks to the aid lent to it by Mr.

Hart and his co-plotters, accomplished beyond the most sanguine expectations, which it could reasonably have entertained. As compared with the success, achieved in this sense by the Burlingame Mission to the West, the significance of the former Western Missions to China vanishes almost entirely. As a rule, the Dependent States of the Ching Empire are expected to present, as tribute-offerings, select specimens of the natural productions or works of art of each State respectively. Whether, therefore, the holy water, offered in 1728 by Pope Benedict, was much more acceptable to Yung-Chêng, than had been a lion, presented in 1679 by King Alphonso of Portugal, to K'ang-hsi, we know not. Certain it is, that the English Embassy of 1796, with Ma-ko-ür-ni (Lord Macartney) as "First Messenger" and Shih-tang-tung (Mr. Staunton) as "Second Messenger", from "the Prince, 王, of Ying-ki-li" proved a source of special gratification to Chien-Lung. The rich and numerous tribute-offerings, 貢物, consisting in great part of astronomical instruments¹ and military weapons, were suitably selected,—excepting two carriages "with coachman's seats raised above the seat of the Emperor", and, consequently, at once consigned to the lumber-room;—and the "King's Messengers", 使臣, having been graciously permitted to kneelingly² "offer up", 呈進, the tributary presents, together with "the petitioning letter", 表, of the feudal English "Prince", to the Supreme Monarch: the Emperor condescended to accept them, and, in return to "bestow (as a reward from the superior on an inferior)", 賞, on the loyal Lord of England the emblem of investiture from the One Ruler of the Earth, in the shape of a jade sceptre, 玉如意, accompanied by a corresponding Imperial letter (of investiture), 勅書; besides presents of satins

¹ Most, if not all, of those instruments are described and delineated in the 皇朝禮器圖式, Imperial Press, 1766, 28 vols. 8vo. Among them, Mr. Parker's large burning lens of flint glass, 3 feet in diameter, (comp. the Encyclopædia Britannica, Art. "Burning Glasses") is mentioned neither in that work, nor in the Handbook of the Board of Rites and Ceremonies (52, s), from which we condense the present account. We have reason to believe, from inquiries, made by us at Peking, that the instrument was for a long time allowed to lie about in the buildings of the Observatory; got broken; and finally disappeared.

² Lord Macartney, on being admitted to the presence of the Emperor, performed a simple genuflection. The Chinese assert, that he performed the regular act of

silks, &c. to Lord Macartney and his *suite* as well as for their Royal master. Nor were the sailors and marines of the "tribute-bearing ships", 貢船, who had remained at Tientsin, forgotten. We need hardly remind the reader, that the Embassy, throughout its progress in China, carried banners, inscribed: "Tribute-bearers". To the Embassy, in 1806, of Lord Amherst, who was grossly insulted at the Court of Kia-Ching we have already referred (52). Since those days great changes have occurred. Peking has seen resident Foreign Ministers instal themselves in the palaces—such as they are—of the native nobility; and a victorious army of Western "barbarians", at the gates of "the Capital", has dictated terms of peace to "the Lord of the World". True, the mandarins took good care to prevent the truth from spreading among the people; and the bulk of the very population of Peking is made to believe to this day, that the Representatives of the Western Powers are so many barbarian chiefs, retained as hostages for the loyalty of their respective States: yet, the only satisfactory proofs, received of late by the Chinese Government, to indicate that a submissive and loyal spirit still does survive in the West, consisted in the literary "tribute-offerings" of the North-American Republic and the Austro-Hungarian Monarchy. The Burlingame Mission has changed all this; and the actual Ministry of China, who, at the suggestion of the confidential adviser of the Tsung-li Yamén, Mr. Hart, carried into effect that Irish idea, will, on depositing the responsibility of Government into the Imperial hands, be able to deliver over "the great inheritance of the Ching" to their young Sovereign, *recognised*, in the sight of China, by the Western Powers, his vassals, as the Representative of Heaven on Earth, and the One Absolute Ruler of Mankind.

lotting (140, 3). In reference to this Sir John Barrow (*Encyclopædia Britannica*, 7th ed., Art. China) remarked: "A Chinese is cold, cunning, and distrustful; always ready to take advantage of those he has to deal with; extremely covetous and deceitful; quarrelsome and vindictive, but timid and dastardly. A Chinese in office is a strange compound of insolence and meanness. All ranks and conditions have a total disregard for truth; from the emperor downwards the most palpable falsehoods are proclaimed with unblushing effrontery, to answer a political, an interested, or an exculpatory purpose. The emperor asserted, and several great officers of state repeated the assertion to Lord Amherst, that they *saw* Lord Macartney go through the whole of their odious ceremony, and that he performed it to admiration".

175. The second object of the policy of the Chinese Government, to which we have called attention, has also been attained, far beyond any precedent, by its recent action connected with "outer" affairs. In the massacre of foreigners at Tientsin, of which we shall speak more fully hereafter, there were, among those implicated, the two chief magistrates, the 知府, *chih-fu*, and the 知縣, *chih-s'ien*, of Tientsin, and the general Chêng-Kuo-S'úe, whose execution was demanded by the French Chargé d'Affaires, M. de Rochechouart. At the risk of a war, this demand was positively refused by the Tsung-li Yamên,—in a manner, moreover, as insulting to foreigners as gratifying to native pride and conceit; and by this mode of action the present Government has acquired a popularity and influence among, and secured to itself the attachment and devotion of, the official and literate classes of China in a higher degree, probably, than it ever has enjoyed before. This is a point, at the present juncture, of more than ordinary importance. Whilst the Home Government is denying protection to British subjects and British property in China, the Chinese Government is making its officials to feel, that they may incite the native populace to the murder of foreigners and the destruction of their churches and residences, if not altogether with impunity, yet with safety to their lives and,—after a short exile,—the certainty of promotion. Nor has that Government failed to encourage the national vanity of the people at large,—the third object of Chinese policy, to which reference has been made,—in various ways. The Tsung-li Yamên, *f.i.*, as will be shown in the sequel, laid down, in connection with the Tientsin massacre, the principle of "a life for a life", in order to establish the doctrine, that the most atrocious murder of the Consular Representative of a Foreign Power or a Sister of Charity is fully expiated by the execution of some miserable Chinese coolie willing to sell his life for the purpose, or of some native criminal already under sentence of death. So again, in a Memorial to the Throne on the subject of a projected School of Astronomy and Mathematics under foreign tuition, the Tsung-li Yamên, according to Mr. Wade's translation, argues thus: "To come to the objection that the abandonment of the ways of China for those of Western men is wrong.

This again is the language of crotchettiness. For the foundation of its science (*i. e.* astronomy) it would appear that the West is really indebted to the astronomy of China. The nations of the West believe their arts to have come from the East; but their people being subtle (or of refining minds), and able speculators (*lit.* good in revolution of thought) were consequently enabled to set aside what was old and develop something new; this they took on themselves to dub foreign; but, in reality, the science (*fa*, the way or rule) was Chinese. Thus has it been with astronomy and arithmetic" [mathematics], "and so with every other invention. China discovered and the men of the west appropriated it".

176. The Chinese Government has thus successfully laboured to confirm the national mind in its long-cherished ideas of superiority, its inherited contempt of foreigners, and its isolating tendencies; whilst strengthening the natural bonds of attachment of the official and literate classes, in whose prejudices and interests it possesses a powerful engine to work upon the feelings and actions of the people, and raising the Imperial authority in China again to its traditional omnipotence, with a view to the crowning object of its "foreign" policy,—that of restoring the Central Land to its former state of comparative isolation, and of handing it over in that state to the personal rule of the young Emperor. And so far from restricting itself in this sense to measures of a moral, political, and demagogic nature, the Chinese Government has been equally intent on improving and developing its military resources. A not inconsiderable fraction of the Army has been, and is being, drilled and armed in the Western fashion, and the foundation laid for an Imperial Navy on the European model. Four Arsenals have been called into existence, namely, at Fuchow, Shanghai, Nanking, and Tientsin; with naval docks and naval schools attached to the two former, and a powder-mill to the latter establishment, which is designed on a very extensive scale. Conducted by foreigners, under Chinese supervision, these establishments employ at present between one and two hundred foreign, and between four and five thousand native, workmen. The annual expenditure in wages etc. may be estimated at from half a million to a million pounds

sterling, paid out of the Maritime Customs' revenue. Several transports, and half a dozen gun-and despatch-boats have already left the stocks; more, including a frigate, being in course of construction. Rifles and small arms are now chiefly manufactured at the Tientsin Arsenal; heavy ordnance, shells and rockets, with all the latest improvements and on the most scientific principles, chiefly at the Arsenal of Nanking, under the able direction of Dr. Macartney. Marine engines, the same as machinery of every description, are produced both at Shanghai and Fuchow. The time is not far distant, when at all these establishments, which are continually being enlarged, the Chinese will be able to dispense entirely with the aid of foreigners. Already, two or three of their gun-boats are manned, officered, and navigated exclusively by natives; and an additional Arsenal at Hangchow, in which no foreigner is to be employed, has just been projected on a scale "regardless of expense", to be defrayed "out of the foreign Customs' revenue, and *li-kin*" or illegal taxes on foreign commerce.¹ Immense stores of munitions of war, imported from abroad, have been, and are being, collected, and paid for from the same sources. The Taku Forts also have been greatly strengthened. It was against these defences, as will be remembered, that a British naval attack was directed on June 25, 1859, by Admiral Hope, with H. M. gun-boats "Plover", "Opossum", "Lee", "Haughty", "Banterer", "Kestrel", "Cormorant", "Janus", "Nimrod", "Starling", and "Forester" under his command, and repulsed with considerable loss. The "Kestrel" and "Lee" were sunk in action; but, on the third day subsequently, the former vessel rose again of her own accord, drifted down the river, and was thus recovered. The "Plover" and "Cormorant" grounded on the evening of the attack, and had eventually to be blown up. The South-Forth is now mounted very differently from what it was then, namely, with one 110-lb. and five 96-lb. Dahlgrens, and thirty-six, mostly 32-pounders; whilst the armament of the North-Fort is said to be still more powerful.

177. In all this, the Chinese Government betrays that keen, craving desire for material strength, from which, as from a fountain,

¹ See the semi-official Peking Gazette for November 30, 1870.

the confidential adviser of the Tsung-li Yamén, Mr. Hart, promises the West, in course of time, to "tap" railways, and telegraphs, and progress, and civilisation, and what not, in endless vivifying streams (5,2); but the plain and simple object of which is, to enable China to regain her former position of comparative isolation, or, as the Hon. Mr. Burlingame expresses it, her freedom to be left entirely to herself, her "*perfect* freedom to unfold herself precisely in that form of civilisation of which she is most capable", as evidenced by her history of the last four thousand years. In other words: the object, for which the Chinese Government is craving after material strength and attempting to satisfy that craving by exclusive development of her *military* resources, is to place China in a position of armed defiance towards the Western Powers while entering upon a declared policy of retrogression, with the ultimate, if not the immediate, view of clearing her interior from the presence of "the outer barbarian", of restricting her commercial intercourse with "the outer world", and returning to her traditional system of seclusion. That such is the true aim, which the policy of the Chinese Government has proposed to itself and is now cautiously but steadily pursuing, whilst its diplomacy is simultaneously directed to support that policy and to deceive the Foreign Ministers in Peking and the Western Courts regarding it, no soberly judging and attentive observer of passing events can well conceal from himself. Indeed, both this policy and diplomacy are clearly delineated in a remarkable document, purporting to be a secret memorial to the Throne, drawn up, at the request of the Privy Council, by Tsêng Kwo-Fan, towards the close of 1867, in reference to the then impending revision of the Treaty of Tientsin. We can quote only from a manifestly indifferent translation of this draft of a, to all appearance, genuine state-paper, which Sir Rutherford Alcock also regards as such, and in which it is said:—

The Tsung-li Yamén has with great pains acted up to the true method of taking the times and circumstances into account, viz., to devise the most unanswerable and irresistible arguments, without at the same time damaging the great interests at stake, and to cherish the thought of wiping out our shame, without at the same time allowing the other parties to suspect it. Your Minister [servant] conceives that in intercourse with foreign nations [the outer states] the great requisites are [apparent] good faith and

integrity [sincerity and candour] and, still more, [real] decision. What we cannot accede to must be refused from the first, and this refusal must not be departed from; what we can accede to, should be announced in the plainest and shortest terms. There should not be alternate concession and refusal, (lit: now spitting out and now swallowing) nor the slightest appearance of indecision, which would give the other party an opening for their sophistical arguments. ¹

Foreigners in the East and West for several hundred years have been making and unmaking kingdoms [states], each kingdom [state] wishing to deprive its neighbour's subjects of some advantage, with the hope that its own subjects might ultimately profit thereby. Their object in coming to China, setting up places of business everywhere, and trading largely in goods, is to follow out their nefarious devices of depriving others of advantages, and they wish to damage our merchants. Ever since the commencement of the troubles [at Canton], the people of China have suffered long and severely (lit: have long suffered fire and water). The additional opening of some (lit: three or five) ports and of the River, has been contracting their means from day to day; they suffer in mute agony and will be driven to extremity. If trade in salt is conceded to foreigners, salt merchants will suffer in business; if the building of godowns (in the interior), the establishments already existing will suffer; if small steamers be allowed in the interior, native craft of every size, sailors and pilots will suffer; if they are allowed to construct telegraphs and railroads, [owners of] carts, mules, chairs, and inns, and the coolies livelihood will suffer. The same may be said of all their demands, with the exception of the coal-mines. It would enrich China to borrow foreign appliances for extracting coal, and it would appear to deserve a trial. The suggestion in Ying Pao Shih's memorandum is one I consider feasible, and I have marked it approvingly in my Memoranda. As to the remainder, small steamers, railroads, &c., if the foreigners are allowed to introduce them, they (the foreigners) will monopolize the whole of the profits of the country; if our people are allowed to join with foreigners in introducing them, the rich would get the profit at the expense of the poor; neither plan is practicable. ²

Should foreigners press (for these concessions) with insistence, it will be sufficient to intimate to them that, even were (the authorities at) Peking to put so much force on themselves as to consent, there would still remain your Ministers [servants] in the provinces, who would strenuously oppose them, and even supposing these to have been gained over, the millions of China in the depth of their poverty would revolve thoughts of change (*novas res*), and bear such an enmity to foreigners as would be beyond the power of the officials of China to check... There would be no empty *casus belli*, were we

¹ The same principle was already submitted to the Emperor Hsien-Fêng by Ki Shu-Tsai, in a conversation, reported by the latter to Yeh. In reply to the Emperor's question: Whether no trouble would be caused by the trade of the English barbarians—then so far quiet—at some future time? Ki states: "In the nature of barbarians there is much to suspect. A communication received from them two or three months ago, raised several questions of a menacing character. Seu and Yeh perfectly understand their trickiness, and as it is only by being resolute and positive that they can deal with them, they employ no word in their replies either more or

to take up arms to defend the people, in the event of a catastrophe on these points. No fear or remorse can have place where there is accord with everything, from Heaven and Earth and our Sainted Emperors down to the inhabitants within every sea...Candid arguments will move them, while we are firm against the changes. Let them (the foreigners) know that the ancient policy of our Rulers was to preserve the Empire by showing consideration for the subjects, and which is also the traditional policy of our Dynasty. ...

Foreigners are now in the ascendant, but we cannot, to the neglect of the misery of our own people, follow all the windings, to which complaisance would lead us. Should times alter, and China be in the ascendant while foreigners are weak, we [even] then shall wish to do no more than protect the Chinese, and shall not seek for military glory beyond the seas. With all their perverseness they know that, where logic is correct there is no escape from it, and that, when the mass of the people are indignant, we cannot go against them.

The policy, here suggested by Tséng Kwo-Fan, would seem to have been literally adopted by the Chinese Government. On the whole, he also approves of the Mission of "Chih-kang and his colleagues" to Europe, though chiefly on the ground that eminent diplomatsists may hereafter arise, fit to overreach Western statesmen, and because "the duty of an envoy is to represent the dignity of the Government [of the World], and to smooth over difficulties [with the Outer or Tributary States]".

178. The leading ideas of Tséng Kwo-Fan's memorial³ are: to "*wipe out China's shame*"; to deprecate the desire of conquests in the West after the outer barbarians shall have been driven back into the sea; steadily keeping in view "the important interests at stake", to take a firm stand against any further progress; to *excite the masses of the people against foreigners in order that the Central Government may, on the one hand, plead the national will, and, on the other, rely on the national support*; to temporise and gain time, by bold and apparently frank and candid argumentation, until the moment for action shall arrive; and to *prepare for war*. Various

less than is sufficient fully to meet what is said by the barbarians, and thus they are left without anything to rejoin".

² On the subject of residence in the interior, the translation before us, though nearly unintelligible, leaves no doubt as to the fact, that Tséng Kuo-Fan strenuously opposes it.

³ A complete translation of the Memorial was first published in "the North-China Herald" for September 11, 1868. It is not dated, and, as we have previously remarked, is in all probability only the genuine *draft* of the actual document, which may, or may not, have undergone subsequent modifications.

circumstances united, as we have said, to induce the Chinese Government to adopt this programme, and at once to shape its course of action accordingly. The Nien-féi rebellion had been suppressed. The country was regathering its strength. A new sexagesimal cycle—the 76th of the received chronology of China—had commenced on the 8th February 1864, with the third year of the “T’ung-chih” reign; it being the belief of the Chinese Court and Ministry, based on the principles of the 觀象玩占 (58,5) and other astrological works, that, as this cycle progresses up to the year 1894, the prosperity and power of China will go on increasing with it. The impending revision of the Treaty of Tientsin left but little time for consideration; while the term of the Emperor’s majority, which was approaching, and with it his personal assumption of the reins of government, gave the final impulse. Of the general preparations for war, previously entered upon by the Chinese Authorities, and which were henceforth carried on with increasing vigour, we have already spoken. As auxiliary measures, a number of war-junks have been armed with cannon of large calibre and improved construction. The roads in the interior, more especially those leading to the Capital, are kept without repair, and in a state rendering the transport of heavy

¹ The direction of the new Marine-Department was by Mr. Hart bestowed, together with a salary of £2,000 a year, upon a Captain Forbes, formerly of the Royal Navy, who has proved himself altogether unfit for the post. The Inspector-General of Chinese Maritime Customs at first intended to raise him to the rank, or rather the title, of an “Admiral” in the service of his department. Since then, however, a change has come o’er the spirit of his dream. The intended “Admiralty” has sunk down to be an expensive farce; and Captain Forbes, who has given general dissatisfaction, is about to withdraw from the Customs service.

² ART. xxxii of the Treaty of Tientsin reads thus:—

Facilities to assist in entering Ports.

“The Consuls and superintendents of customs shall consult together regarding the erection of beacons or light-houses, and the distribution of buoys and light-ships, as occasion may demand”.

It was, from the commencement, understood that the whole of the tonnage-dues should be devoted to this purpose. Nothing, however, was done until, pressed by the British Minister supported by the American Representative, the Hon. Mr. Burlingame, on March 22, 1867, was able to report officially to his Government:—“I am happy to enclose a memorandum from Robert Hart, esquire, inspector general of customs, from which you will learn what great progress the Chinese are making. They have decided to appropriate the entire tonnage dues to the building of light-houses, and for the improvement of harbours on the coast of China. This result, so creditable to the Chinese and so advantageous to us, is entirely due to the patient and enlightened efforts of Mr. Hart. It is also, with the increase of trade, an

artillery difficult and toilsome. Every proposition for improvement of communication, including the dredging of the Pêi-ho and other rivers, has been resisted. The Inspector General of Maritime Customs, Mr. Hart, received authority to order the construction, in England, of ships-of-war, including, it is said, one or two iron-clads; and to create, under the designation of "The Marine Department" of the Customs, an Admiralty.¹ The accumulated fund of the Tonnage Dues—as has been publicly and repeatedly stated without a contradiction on his part,—has for these and other purposes been diverted from its legitimate objects, and thus misapplied by him.² The lighting of the Chinese coasts,—in spite of the new "Marine Department"—has been delayed, and is being delayed, to the utmost; and the approaches to the harbours have not only not been improved, but are, to all appearance designedly, allowed to become more inaccessible. Thus at the entrance to Shanghai, at Wu-sung, the wreck of a large Singapore trading junk of 1200 tons burden has, ever since 1852, obstructed the navigation of the river. It was righted in the typhoon of 1864, and became so dangerous that, in January 1865, the Harbour-Master had it marked by a Chinese light-boat, which has up to the present time involved an expense of nearly £1000,—a sum, for less

indication of the faith of those, who believe in reason and kindness more than in brute force. I have the honor &c." (Papers relating to Foreign Affairs, Washington, 1868, 8vo., p. 467.) What the Hon. Mr. Burlingame may have understood by the concluding sentence of his despatch, if he knew himself, is not quite so plain as is the object, with which he thus gives credit to Mr. Hart for which no credit was due to him. The tonnage dues collected up to this day can hardly fall much short of a million pounds sterling, of which sum we doubt whether so much as one-fourth has been expended for the purposes intended.

In Mr. Hart's "Memorandum" of January 31, 1867—an extremely poor and discreditable composition—he admits that, owing to "the monetary difficulties of the (Chinese) Government", it has "diverted a considerable portion of the tonnage dues" from its legitimate objects, "to military uses"; but gives it as his opinion, that "much as the appropriation of funds to the purpose of lighting the coast may do towards insuring against the few dangers that do exist, it may almost be said to have for its object the convenience of navigators rather than the security of life and property at sea". The highly dangerous condition of the Chinese coasts being a fact universally recognised by mariners, we are at a loss in what terms to qualify Mr. Hart's statement. Under any circumstances, since he himself informs us, on March 16, 1867, that the Tsung-li Yamén had then officially authorised the expenditure of "the fund created by the payment of tonnage dues" for the purposes named by the Hon. Mr. Burlingame, he wants all and every excuse for having "diverted it" or allowed it to be "diverted" as he has done, from its legitimate objects to military, diplomatic, or any other uses.

than which the wreck might have been altogether removed. Quite recently, on November 2, 1870, a fine British steamer, the *Lismore*, struck the junk, and became a total wreck,¹ settling down in the mud alongside of her. Since then, an English barque, the *Annie Porter* has sunk upon both. So also the wreck of the steamer *Hellespont*, having gone down, in 1864, some miles below the Singapore junk, was left to add to the obstructions of the river. Upon it also a Chinese light-boat was placed until August, 1868, when, after the expenditure of a large sum of money, the vessel had so deeply imbedded itself as to be considered no longer dangerous to navigation.² Another typhoon may once more render it so. It appears to us difficult to account for the course, pursued by the Inspector-General of Chinese Maritime Customs respecting these wrecks, except on the hypothesis of his having consulted, in their regard, the policy or the wishes of the Chinese Government. If so, it would furnish another proof, even more serious than that of the misapplication of the tonnage-dues, of his disloyalty to England.³

179. The argumentative part of Tsêng Kwo-Fan's programme was chiefly confided to the Hon. Mr. Burlingame and the Western Mission, supported at Peking by the Tsung-li Yamên and their confidential adviser. Its principal objects were, as appears clearly from Lord Clarendon's letter to the Hon. Mr. Burlingame (153) compared with the New York speech of the latter (129) and Tsêng's memorial (177), to impress upon the Western Powers: 1stly, that

¹ The Naval Court of inquiry into this case, held on the 9th November, 1870, delivered the following "Judgment:—The Court having carefully investigated the evidence adduced, is unanimously of opinion, that the loss of the British steamer *Lismore* on the morning of the 2nd November, 1870, is attributable to the sunken junk light-vessel having drifted from the proper position, and that there is no blame attached to Captain Morrison, or to the officers and crew of the *Lismore*. The Court cannot separate without expressing great regret, that so dangerous an obstacle to the navigation of the river should not be more carefully marked; and that they consider that, on this occasion, the person in charge of the wreck light-vessel was guilty of culpable negligence". On the ground of this finding, the "Marine Department" will, if we are not misinformed, be held responsible for the loss.

² "The Shanghai Evening Courier" for November 16, 1870.

³ In his Memorandum of January 31, 1867, previously referred to, Mr. Hart does not even allude to these wrecks, although he admits that "the real difficulty of the approach is to keep in the channel, when once in the river"...A light-house is now

the Chinese Government feels the necessity, in its own interests, and is favorably disposed, to facilitate and encourage the development of foreign commerce and intercourse with, and the progress of Western civilisation in, China; but that the wishes, prejudices, and passions of the Chinese people are opposed to the introduction of improvements and an extension of foreign trade; and that the Government, by acting against the national will,—which will, moreover, had ever been the rule of action of the Sovereigns of China,—it would expose the country to revolution, confusion, and anarchy: and 2ndly, that, although the Central Government possesses both the power and the inclination to exercise its authority over the provincial governors in all legitimate matters; yet, that, in cases of opposition to the views or the prejudices of the people, it has no such control, and, were it to attempt to enforce any anti-national or highly unpopular measures, that such measures would be resisted by the Lieutenant-Governors, and tend to endanger the stability of the Government and the peace of the Empire. It is this bugbear of THE FEAR OF ANARCHY, held up in various forms to Western statesmen as the inevitable result of a determined policy of progress in China, which has been the chief means, combinedly with the political state of Europe, of insuring to the Burlingame Mission its success; which is reflected in the American Treaty Supplemental (144); has dictated the instructions of our own Foreign Office (153) and Board of Trade (166, 1; p. 394) to Sir Rutherford Alcock; and had well-nigh carried the ratification of the Peking Convention (159). It was, as we

about to be built on one of the Saddles; a light will also be placed on Gutzlaff"—both of which has been done—; "one on the beacon, and another at Woosung". "Those lights, once placed", he adds humourously, "the navigation will be as easy, so to speak, as would be a walk down Regent street when the gas is lit"; and goes on to say: "Before attempting to do anything with the bar inside Woosung, a competent engineer will be brought from Holland"—this crotchety idea of Mr. Hart's, as though Holland alone could supply a competent engineer for the special purpose here in question, has as yet not been carried into effect—, "and on his opinion will depend the measures to be proposed. The suggestions made by some for the removal of that bar would involve an immense expenditure, and the result of the attempt would be problematical. In the absence of the opinion of a man, at once scientific and practical, who has made such works his study [in Holland], *my advice to the Chinese is to do nothing*, rather than to bury sycee in the mud". With all the Chinese sycee, by Mr. Hart buried and being "buried in the mud", a man of good sense and sound judgment might have done wonders for China, we opine.

have already remarked (3), for the purpose of giving to the Hon. Mr. Burlingame's arguments, in London and Paris, greater and illustrative force, that the troubles in Formosa, at Yu-yang, T'ien-mên, Yang-chow, and Chin-kiang had been got up. Nor had the Tsung-li Yamên essentially miscalculated the effect, which the news was expected to produce. The argument itself is utterly without foundation. That the Chinese Government has not only no disposition to favor foreign intercourse and ideas of progress, but has deliberately entered upon a policy of retrogression and seclusion, is proved to evidence by its recent action, the Hart-Alcock Convention, and the Memorial of Tsêng Kwo-Fan; that the opposition of the provincial authorities to the desire of the Central Government for progress is, so far as that desire goes, a mere pretence, the latter document places beyond doubt; and that the large bulk of the Chinese people, when left to themselves, are quite willing to accept, and to profit by, any improvements tending to their pecuniary advantage, and instead of being opposed to foreign intercourse, are anxious to trade and barter with foreigners to the fullest extent of their mutual resources, is a fact uniformly established by experience (4.) We are, therefore, warranted in expressing our moral conviction that, with the concurrence of the Central Government and the Provincial Authorities, the interior of China might be thrown open to foreign trade and navigation, and railways, telegraphs, and material improvements be introduced into China at any time and with any reasonable degree of rapidity, not only without the apprehension of popular opposition and disturbances of the peace, but with the certainty of the Chinese people, on finding, as they would do, that such improvements are attended with a largely increased demand for native labour, a vast extension of profitable occupation, and a progressive development of wealth, enjoyment, and comfort, receiving and supporting them with competitive ardour.

180. To the share of the Tsung-li Yamên naturally fell the task to take a firm stand against any further demands for progress on the part of the Western Powers, and to initiate the retrogressive and anti-foreign policy determined upon by the Chinese Government. So far as the revision of the Treaty of Tientsin was concerned,

the accomplishment of the Yamên's task was rendered easy by the instructions, as the fruit of the oratorial efforts of the Hon. Mr. Burlingame, sent by H. M. Board of Trade to the British Minister in Peking; by the complaisance of Sir Rutherford Alcock; and by the zeal of its confidential adviser, Mr. Hart, who lent himself, a willing instrument, to the views of his employers. It will be less so on the resumption of negotiations, rendered necessary by the failure of the Peking Convention. How fully prepared, however, the Chinese Government is to carry out to the letter Tsêng-Kwo-Fan's suggestions, the action of the Tsung-li Yamên in connection with the Tientsin tragedy has shown. The Yamên, on this occasion, certainly did manifest no alternate "spitting out and swallowing", no "indecision, which would give the other party an opening for their sophistical arguments". Heedless alike of the united protest of the Foreign Ministers against the great national crime committed, and of the voice of France demanding atonement for the murder of her children, the Government of China, which had just sent to the West her Messengers of peace "with no menace, but with the great Christian doctrine of Confucius on their lips, and Wheaton's International Law in their hands" (129), refused point-blank to hear of justice and to think of retribution. What we will condescend to do, His Imperial Highness Prince Kung,—in language of cynicism, which would have reflected no discredit on a cannibal—told the French Chargé d'Affaires, Count de Rochechouart, is to pay you liberally in sycee silver, and to purchase, moreover, for your murdered officials and priests and sisters of charity, as many coolies to undergo, a life for life, the last penalty of the law, in mockery of the atonement of which you speak. We will further pass a nominal sentence of banishment upon our two magistrates, who superintended the butchery; and send his Excellency Chung, under whose watchful eye it was performed, as Messenger Extraordinary to our well-affected Fa Principality, in order to explain the matter to its Tributary-Service Officials satisfactorily. But do more and punish the guilty, we will not. And, as "there would manifestly be no empty *casus belli* to take up arms to defend the people in the event of a catastrophe on these points" (177): the Chinese Government, without another word,

ordered a large army to be concentrated around Tientsin, and defied the West to do its worst. The attitude of firmness, at first assumed by the Tsung-li Yamên, had been encouraged into insolence by the sympathetic conduct of the British Representative, Mr. Wade; the new China policy of England; the deplorable difference, kept up between her and the United States, on account of "the Alabama claims", by an American political party; and the unsatisfactory state of Europe; above all by the unhappy contest, waging between Germany and France. Had it not been suggested to the Yamên by its confidential adviser, that "*a European war would be China's opportunity*"?

X 181. It was reserved for the official and literate classes to carry out that part of Tsêng-Kwo-Fan's programme, which recommends the inciting the masses of the Chinese people against foreigners as such, whether missionaries or merchants, and irrespective of any nationality. The first phase, which marked this agitation, differed somewhat in character from the subsequent stage of its development, when a wider plan had been matured, and a first but unsuccessful attempt was made to drive "the outer barbarian" from the eastern Provinces. The earlier troubles, as has already been remarked, had for their object to support, and to illustrate, the argument of the Hon. Mr. Burlingame concerning the dangerous state of popular feeling in China against foreigners; the difficulties of the Government to keep its subjects quiet; and the fear of confusion and anarchy, as certain to result from further pressure. It was considered expedient to lay the first scenes of the campaign in widely distant parts of the Empire. In Sze-chuen the fanatical fervour of an old agitator was redirected against French missionaries at the prefectural city Yu-yang; and on the 2nd January 1869 the massacre of between sixty and seventy native Christians together with their pastor, father Rigaud, and the burning of their chapel took place, with the knowledge and connivance of the Chinese authorities. At about the same time, in 'Hu-pei, the chapel of the French Missionaries and many houses of native converts to Christianity were destroyed or pillaged at the district-city T'ien-mên. In the latter case the instigators of the outrage were the *literati*, who

spread false reports of Chinese children being kidnapped by the Catholic priests, and unholy philtres given to attract people to "the devilish faith". Redress was in vain demanded by the Representative of France; until, at the commencement of 1870, he ascended the Yang-tze-kiang, accompanied by two gun-boats, and thus enforced it. Yet, the greatest culprits in the Yu-yang massacre were permitted to escape. In Formosa the attack had been directed against English merchants and missionaries, both Protestant and Roman Catholic. Its agents were Chinese officials. A protracted series of outrages, including squeezing; imposition of illegal taxes; forcible abduction of British property, in violation of treaty-rights; burning of Christian chapels; sacking of Christian residences; brutal assaults upon, persecution and murder accompanied by acts of cannibalism of, Christian converts; attempts to assassinate British subjects; personal insults offered to British Consuls and Naval Commanders; and similar provocations—necessitated at last the employment of military force. On the 20th November, 1868, H. M. Acting Consul Mr. Gibson started with H. M. gun-boats *Algerine* and *Bustard*, for An-Ping, the sea-port of T'ai-wan-fu, and without opposition, took possession of it and Fort Zelandia, with the view of holding the latter, as a material guarantee, until a fair and just settlement of the whole of the existing grievances should be acceded to by the recalcitrant Chinese Authorities. Leaving Lieutenant Commander Gurdon of H. M. ship *Algerine* in charge of the position, Mr. Gibson returned in the *Bustard* to Takao; and on the 24th November all his demands were granted by the Tao-tai of Amoy, sent over as special commissioner by the Provincial Government of Fuh-kien. Meanwhile, however, the Tai-wan officials had despatched a military force of 500 men to retake the fort and town, occupied by the English. This was easily effected on the 25th November; Lieutenant Gurdon having reembarked his men. He, therefore, after throwing some shells into Fort Zelandia, resolved to storm the position early in the ensuing night. He did so with only five and twenty volunteers. Eleven men of the Chinese force having been killed and six wounded, the rest of the garrison took to flight. Towards morning, 250 more

Honan braves came up. They stood the fire of the English Sniders for about five minutes, returning it without effect; and then also retired with the loss of six killed and ten wounded. Whereupon negotiations on the part of H. M. Consul Mr. Gibson and the Chinese Commissioner were resumed, and at once definitely and satisfactorily concluded: the most important results of the settlement, independently of its public moral effect and the attainment of the ends of justice due to private individuals, being the formal abolition of the camphor-monopoly, illegally claimed and enforced by the Taotai, as well as of his equally illegal prohibition against foreigners to travel either for pleasure or business in the interior of the island. Sir Rutherford Alcock, to his credit be it said, approved, though conditionally, the action of Mr. Gibson. Not so the Gladstone-Bright Administration. Under the spell of the Hon. Mr. Burlingame's oratory, the Home Government forgot, that in China there obtains the foreign right of extraterritoriality, not without cause imposed by international Treaty on "the Flower of the Lands of the Earth", and apparently was led to imagine Formosa, as Tai-wan is named in the West, to be but the designation of another Isle of Wight. Lord Clarendon, at all events, tendered the utmost reparation in his power to the innocent, ill-treated Chinese officials, who chuckled over apologies made or to be made,

I * We extract, from the *Daily Press*, a translation of a memorial which has been presented to Mr. Gibson, by a number of Chinese merchants at Taiwan, on the occasion of his leaving that port—

A joint petition presented by the Chinese Merchants and Shopkeepers at Taiwan, earnestly wishing to keep Mr. Consul Gibson among them, on account of his upright and straightforward conduct in office.

We, the merchants of Petow and K'iau, who have carried on business here for many years, consider that last year when the foolish villagers of Formosa were circulating rumours, which filled all mouths with idle stories and unsettled people's minds, we were fortunate in hearing, just at that time, of your arrival amongst us, as you have been untiring in your energies in getting Chinese and Foreign merchants to live peaceably together.

The people of Fung Shan look up reverentially to you; every home remembers your virtues; the market places and wells resound with songs to your praise. Every place knows your worth; all classes of persons are mindful of your good qualities.

Pan Ping looks up to you as to the North Star; the whole of Formosa regards and speaks of you as the Southern mountain.

Now we have heard that you are about leaving us, and taking office elsewhere; as we have no means of detaining you, we can only think of throwing ourselves in the way of your carriage, and thus keeping you always among us.

and indemnities, to be returned to them ; while H. M. Consul was severely reprimanded and degraded—Why ? Because he made the only proper use of H. M. ships-of-war stationed on the coasts of China, for which Reason and Humanity intend them ; because he protected the lives and property of British subjects, and vindicated Law and Justice ; because he upheld British treaty-rights and British prestige ; in a word, because, as a public servant of England, he boldly and successfully did his duty in circumstances of great difficulty, and among a partly semi-barbarous, partly savage population. Mr. Gibson died soon afterwards, with the censure of the Foreign Office preying upon his mind. But from his early grave there resound in the ear of an incapable Government, the concurring voices even of Chinese merchants and officers, of its injustice and his worth. ¹

182. Whilst the Formosa troubles, dating from the month of April, 1868, were still progressing, and before those in Sze-chuen had been set on foot, the *literati* of Yang-chow, instigated by Yen, an old acquaintance of Tsêng Kwo-Fan's, and others, excited the people of Kiang-su against foreigners by inflammatory placards especially directed against the members of a Protestant mission, then recently established in that city by the Rev. J. Hudson Taylor : missionaries being charged with the abduction of children to boil

We sincerely hope that you will pity us and listen to our prayer, so that we may obtain the beneficial effects of your presence among us, and that we, the merchants, may be the constant recipients of your kindness. (Sealed by 84 Merchants.)

It is added, as a proof of the respect which Mr. Gibson has gained, that the Hep-tai, or Military Governor of the Port of Anping, which was taken and occupied under Mr. Gibson's instructions, during the late disturbances, escorted Mr. Gibson when he left Formosa, with his own guard of honour, and with marks of respect and ceremony never before shown to any foreign Consul in the island : and after he had left, emphatically declared before a number of Chinese and Europeans—“ There goes a just and honourable foreigner ”. (The North-China Herald for July 24, 1869.)

“ THE GIBSON MEMORIAL FUND ”.

“ The Committee of the above Fund beg to thank the Foreign Residents in China for the liberal manner in which they have responded to their call, and placed on record their appreciation of the services of the late Mr. Acting Consul Gibson.

They have now the pleasure to lay before them the result of the subscription.

This sum has been remitted home in £1,098 19s. 8d., to be invested in a Government Annuity on the joint lives of the late Mr. Gibson's mother and sister, which it is expected will give them an income of about £70 per annum.

The Committee have been desired by Mrs. and Miss Gibson to express their grateful thanks for their kind sympathy ”. (The North-China Herald for Oct. 25, 1870.)

them up for medical purposes, and administering to Chinamen drugs and philters with the view of converting them to the Christian faith. The natives, who had let their house to Mr. Taylor, were, by order of the prefect, seized and tortured to make them confess to the destruction of the children. This happened towards the middle of August 1868. The missionaries were pelted through the streets of Yang-chow, the windows of their residence broken, and the doors smashed in; yet, both the Chih-fu and the Chih-s'ien, being appealed to for protection by the Rev. Mr. Taylor, failed to interfere, and thus connived at and encouraged the consummation of the outrage on the 22nd August: when a numerous mob set fire to the house of the mission; and its inmates, including ladies and children, barely escaped with their lives. The riots immediately spread to Chin-kiang; where, however, owing to the opportune arrival of the French gun-boat *Le Breton*, they were kept within the bounds of threats against the foreign settlements, and disturbances of a minor order. H. M. Consul in Shanghai, Mr. Medhurst, on being informed of these occurrences, at once proceeded to Chin-kiang, followed by H. M. sloop-of-war *Rinaldo*; thence to Yang-chow; and finally to Nanking, where he had an interview on September 11, 1868, with Tsêng-Kwo-Fan, then, as he is now once more, Governor-General of the Two Kiang. His demands were: the degradation of the Chih-fu and Chih-s'ien, culpable of neglect of duty; the punishment of the *literati*, implicated in the riot; the payment of an indemnity of Taels 2000 to the Rev. Mr. Taylor; the welcoming back of the missionaries to Yang-chow by the new Chih-fu; and warning proclamations, to be issued for the future security of missionaries and British subjects generally. The matter was in a fair course of settlement, when Captain W. Bush of H. M. S. *Rinaldo*, feeling unwell,—apparently from an apprehension lest “he should have deservedly lost his commission for making war with China on his own account”, as he explains in his letter to the

¹ Sir Rutherford Alcock adds: “to the regret, I believe, of the Central Government, and to all appearance, without regard to their instructions”. (Sir Rutherford's Despatch to Lord Stanley of October 12, 1868.) It is manifest from his mode of expression, that he himself felt by no means certain as to the real disposition and action of the Chinese Government in regard to these troubles.

Admiralty, dated London, January 22, 1869,—precipitately returned to Shanghai on the morning of September 12, and, to use the words of Sir Rutherford Alcock, “left Mr. Medhurst,...in a humiliating and helpless position,...stranded on the bank by the only ship of war at his disposal,...at the most critical moment for the success of the negotiation”. Under these circumstances, they failed as a matter of course. The Governor-General of the Two Kiang at once changed his tone; dismissed the subject contemptuously; refused to receive Mr. Medhurst again; and offered, by way of all redress, the payment of a thousand taels to the Rev. Mr. Taylor, besides the necessary repairs to his house.

183. H. M. Consul, having returned to Shanghai and reported the state of affairs to the British Minister in Peking: Sir Rutherford Alcock, considering that “recent occurrences in Formosa, at Yangchow, and at Chin-kiang, had plainly shown the necessity for decisive action...to compel the local authorities to respect and uphold our Treaty rights, they having long shown a great disposition to treat with neglect all complaints, and either to invite or tacitly connive at popular violence and hostility towards foreigners”,¹ now promptly placed the matter in the hands of the Naval Commander-in-Chief at the Chinese station, Sir Henry Keppel, and “claimed from him such effective support of the Consul, as can alone avail to put a stop to these dangerous examples of popular violence and official connivance, and prevent the tendency of these centres of commotion to widen their sweep, until all the places, to which foreigners have access, become unsafe as places of resort or residence”. Admiral Keppel answered as promptly to the appeal, and on November 2, Mr. Medhurst left once more for Nanking, this time under the instructions of the British Minister, and supported by H. M. ships-of-war *Rodney*, *Rinaldo*, *Icarus*, and *Slaney*. The little squadron arrived on the 8th following under the walls of “the Southern Capital”, where Ma S’in-I had just succeeded

He failed to perceive that they, in all human probability, emanated from the Government, in connection with the Burlingame Mission,—a conclusion, which, though it may ever defy actual proof as a fact, can scarcely admit as such of a moral doubt, and should, certainly, have presented itself to the mind of the British Minister.

Tsêng, appointed to the Government of Chih-li. On the 13th H. M. Consul, in a despatch dated on board H. M. S. *Rodney*, was able "to acquaint his Excellency (Sir Rutherford Alcock), that he had brought his negotiations at Nanking, in respect to redress for the Yang-chow outrage, to a satisfactory termination, and was on the point of starting for Yang-chow, accompanied by a suitable escort for the purpose of seeing his requisitions duly carried into effect". On entering this city on the 15th, they "found a very commodious and handsome temple prepared for their reception, while the arrangements for quartering the men and officers could scarcely have been better, had they been superintended by themselves". The courtesy of the local authorities "was so marked as to be almost oppressive". On the 17th a perfect understanding as to the necessary arrangements was arrived at; and relatively to it, on November 26, 1868, Mr. Medhurst could issue from Yang-chow the following:—

1 MA., Governor General of the two Kiang and Imperial Commissioner for Foreign Trade, &c., &c.

TSENG, lately Acting Imperial Commissioner for foreign trade and Governor General of the two Kiang, &c., &c.

TING, Governor of Kiangsu;

hereby issue a proclamation for general information.

WHEREAS the preaching of religion is sanctioned by treaty, and all persons are at liberty to become proselytes thereto, according as it suits their convenience, without compulsion either for or against:

We, therefore, issue this proclamation to give the population, civil and military, of these districts to know, that it is required of them that they carefully observe the treaty which has been concluded by our most Gracious Sovereign the Emperor, and that they must not annoy religious establishments, nor raise pretexts for disturbance; nor must they treat foreign travellers with wanton disrespect. Every wilful offender will certainly be visited with heavy punishment without hope of pardon.

Obey with trembling.

A special proclamation issued on the 27th day of the 9th month of the 7th year of Tung-chih (11th November 1868.)

2 LI, Commissioner of the Salt Gabelle, &c., &c., and

YING, Taotai of Shanghai, Superintendent of Kiang-nan Maritime Customs, &c., &c.,

hereby issue a Proclamation for general information.

WHEREAS we have received the instructions of their Excellencies the High Ministers for foreign trade Ma and Tseng, to adjust matters at Yang-chow, we find that on the 22nd day of August 1868, evil-disposed persons excited the people of Yang-chow to enter the house rented by the British subject Taylor and others, and violently assault and plunder the inmates, so as to lead to their eventual ejection from the

NOTIFICATION.

The undersigned has much satisfaction in announcing for general information, that a due measure of redress has been afforded for the outrage committed upon British subjects in this city in August last, and that the Chinkiang difficulties have been satisfactorily adjusted.

In the matter of Yangchow, the local authorities who held office at the date of the outrage have been dismissed, and indemnity has been paid on account of the losses and injuries sustained by the Missionaries, their servants, and their native friends, as follows :—

Losses of Missionaries and servants, inclusive of repairs to premises	Tls.	1,128.40
Injuries (subject to opinion of H. M.'s Minister as regards increase or decrease of amount)	Tls.	500.00
Chinese landlord and carpenter \$270.90.....	Tls.	197.75
	<hr/>	
	Tls.	1,826.15

A proclamation by the Viceroys Tsêng and Ma, and Futai Ting has likewise been extensively promulgated, and another by the Commissioners Li and Ying (translations of which are appended)^{1, 2}; a large and handsome stone tablet has been erected upon Mr. Taylor's premises bearing a cautionary inscription (a translation of which is also annexed)³; the

premises; some of them in a seriously wounded condition, and whereas the local Authorities were clearly guilty of having neglected to avert the evil in the first instance, it therefore became the duty of the High Authorities, after clear examination into the circumstances, to order the degradation of the city Officials, the condign punishment of the ringleaders, the grant of due compensation to the sufferers, the repair of the house, and the restoration of its former inmates.

All this having been done as a matter of simple justice, it now becomes our further duty to issue a public proclamation, and this proclamation is therefore issued, for the purpose of making it clearly understood to all men, high and low, that British subjects possess the liberty to enter the inner land for the pursuit of their lawful purposes, under a treaty granted by his most gracious majesty the Emperor, and that any one who presumes to insult or annoy such persons, in any way, shall meet with condign punishment. Local authorities everywhere, moreover, are to see that they extend due protection to British subjects who may have occasion to appeal to them for assistance or redress.

Let all tremblingly obey.

A special proclamation, issued on the 15th day of the tenth moon of the seventh year of Tung-chih.

³ NOTICE to be engraved on Stone Tablet, and placed within Mr. Taylor's premises at Yang-chow.

The Prefect of Yang-chow.

WHEREAS this house has been rented by the British Subject Taylor, under the sanction of his Consul, and of the local Authorities,

No idle or improper persons are allowed to enter and create a disturbance. Offenders will be arrested and punished.

Obeys with trembling. A special notice. Obeys.

Missionary party, including the female members, have been invited back and formally instated; two of the ringleaders in the riot (one of them recognized by Mr. Taylor as the individual who robbed the ladies and led the plunderers upstairs) have been sentenced, one to the cangue for two months and banishment into slavery for life on the frontier, the other to the cangue for two months and banishment for three years; and a sum of Taels Six Thousand (Tls. 6,000) has been lodged in the hands of the undersigned as a guarantee that a literary graduate named K'o, who has absconded (the sole member of the gentry against whom any positive evidence has been forthcoming), shall be produced and duly punished by the local authorities within the time specified by law for the discovery of such offenders, failing which the local authorities themselves are to be dismissed from office.

In connection with Chinkiang, the only difficulty experienced was in the peaceable occupation of certain premises rented by Mr. Taylor within the city walls. These have been duly made over to him, and a lease formally signed and recorded.

This satisfactory solution of difficulties, which at one time assumed very serious proportions, is mainly due to the hearty co-operation of H. M.'s Senior Naval Officer, but for whose energy in taking up the matter in the first instance, and perseverance in carrying it through to the end, a less happy result might have been looked for.

W. H. MEDHURST,

YANGCHOW, 26th November, 1868.

H. B. Ma, Consul.

Among the amusing incidents of the final negotiations at Nanking we may mention the temporary naval "attachment", by Mr. Medhurst, of the Chinese gun-boat *T'ung-chih*, which had kept as close to the flotilla, as though she were flying the English Admiral's pennant; and, in accordance with the notion of Tan-ta-chên that "America had formally accepted the position of mediator in the difficulties of China" (100), Ma's application for "advice" to the American Consul-General in Shanghai.

184. "It must be acknowledged", Mr. Gundry observes in speaking of the termination of the Yang-chow difficulty, "that the results attained are most gratifying, and in a high degree creditable to the ability, energy, and judgment displayed by Mr. Medhurst in the conduct of the negotiations. Sir Rutherford's frank support has enabled him to carry out, successfully, the active policy he initiated, at a time when a display of vigour was badly wanted to check the growing hostility and insolence of Provincial Officials. The expedition has had an importance in the eyes of the Chinese, far greater than the mere exaction of punishment for a riot. It has shown them, that we are still able and ready to vindicate our rights, and has warned them from pursuing the dangerous path, on which

they had entered".¹ We fully subscribe to this opinion. Mr. Medhurst, than whom Her Majesty's Government possesses not a more experienced, a more capable, and a more efficient Consular servant in China, has throughout the chequered progress of this affair, and in conflict with some of the most crafty mandarins and subtle minds of China, evinced a diplomatic tact, aptitude, and firmness beyond praise; and most deservedly has his conduct received the approbation of the Foreign Office. Nor should we be just to Sir Rutherford Alcock, if we were to withhold an amount of at least equal praise for the vigour, decision, and appreciative power, so prominently displayed by him on this almost exceptional occasion, and so coldly viewed by Her Majesty's Government. It was the action of the British Minister, which insured the success of his subordinate; and we attach the higher importance to that action as we feel convinced that, but for the suppression, with a strong hand, of the Formosa and Yang-chow outrages, the Tientsin massacre would not now be a solitary national crime in the more recent annals of China, but in all probability would have been repeated or attempted throughout the Empire. It is true, that the object of those outrages was, to all appearance, as yet a special one, and that the attitude assumed, in regard to them, by Sir Rutherford Alcock, and the accompanying demonstration of the superior naval power of England, which should be ever ready to protect or to avenge, has not prevented the then contemplated object from being expanded into the general scheme of driving all foreigners from the interior, and the minor ports, of China, if not from Chinese soil altogether: but they tended to unsettle the minds of those most interested in the plot, as to its expediency, attending dangers, and possible consequences; to suggest the consideration that "there is a limit to the longanimity even of the most peace-loving Power"; to render the higher officials lukewarm or reluctant to accept the responsibility of its execution; and thus to prepare the miscarriage of a more general butchery of foreigners, of the design and the character of which the tragedy of Tientsin has revealed the existence and furnished the illustration.

185. The accusation of kidnapping native children for criminal

¹ The North-China Herald for December 8, 1868, p. 595.

and abominable purposes, brought against Christian missionaries, had proved so potent and effective a means to excite the Chinese populace against "the outer barbarian", and carried such a semblance of plausibility, not to say of truth with it, from the fact of the willing reception, on the part chiefly of Roman Catholic charitable establishments, of infants even the most sickly and forlorn, and a consequently large mortality among them: that it was judged expedient to make use of this accusation as the main instrument for working upon the popular passions and prejudices; an additional reason to do so the "Sacred Edict" was found to offer in the words of the seventh maxim: 黜異端以崇正學, "Put down sectarian teachings, and¹ uphold the established doctrine!"—in "amplifying" which sentence the Emperor Yung-Chêng commands: "Soldiers and people! Act conformably to the sacred injunction, and stop the progress of sectarian teachings, as you would torrents, flames, robbers, and thieves". It must not, however, be inferred

¹ Literally: "in order to". The Rev. Mr. Milne's translation is: "Degrade strange religions, in order to exalt the orthodox doctrine". (The Sacred Edict, 2nd ed. Shanghai, 1870, 8vo., p. 70.)

² The Sacred Edict, p. 88; and the next note. See also above (177).

³ This will appear from the following passages, quoted from the Conversation of Ki Shu-Tsán with the Emperor S'ien-Fêng, previously referred to, and according to Mr. Wade's (very imperfect) official translation:—*Emp.* Are the French quiet in Kwan-tung?—*Ki.* The French continue to give no trouble in Kwan-tung. But it is said that, with the exception of trade, what they most prize is the teaching of their doctrine.—*Emp.* What people practice their doctrine in general? Are there "Ku-jui" and "siu-tsai" (licentiates and graduates) amongst them?—*Ki.* It is the common (i.e. the little) people, who have no sense. All that they hear of the question is, that by the practice of virtue they may look for happiness, and so the chances are that they are mystified by them. Licentiates and graduates, inasmuch as they have more reading and acquaintance with philosophy, which makes them respect themselves, are of course not to be so deluded. Your servant has never heard, that such persons had embraced their doctrine.—*Emp.* Have there been any prosecutions for the profession of the doctrine in Kwan-tung?—*Ki.* Your servant has heard that, some time ago, there were some. There had been none from the time of his arrival last year until the fourth moon of the present, when Yeh wrote to him, confidentially, to the effect that, in the district of Ying-teh, Li San-Wan was reported to be playing the Chih-jin Ta-wang (great king of the red man), and that in his behalf certain recreant graduates, already degraded with vagabonds and others, had privily leagued with yamun followers and soldiers, most of whom were professing the doctrine; and he desired your servant to send a subordinate to make secret investigation. Your servant did send a subordinate, who went through the district from village to village in disguise, making inquiries for a month or more, but without any positive evidence of the fact. In the fifth moon your servant handed over his office to Tsiu-tung, who

from this, that the Chinese Government fear any more, than does Tséng Kwo-Fan, from Christian propagandism in a religious or moral sense: they simply look with contempt upon the doctrines of the Gospel as "things without shadow and without substance", to which no man of education and sense would condescend to listen.² The grounds, on which they are so strongly opposed to Christian missionaries, are partly the dominant and defiant position, assumed in China by the Roman Catholic priesthood; the incessant trouble, given to the authorities by the native catholic converts; the association, in their ideas, of the latter, as of all sectarian bodies generally, with secret societies, which, "when their rabble becomes strong, devise sedition and transgress the law"; and their identification of the Christian religion with the doctrines of the Tai-pings:³ but, above all, because missionaries are the pioneers of the march of intellect, of commerce, and general intercourse, and carry the West more and more into the interior of China, from which the Chinese

again sent to make inquiry in every part of the Ung-yuen and Kinh-kiang districts. When your servant left Canton the officer sent had not returned, and he cannot say what steps were subsequently taken.—*Emp.* Is not the doctrine of the "Grandfather of Heaven" [said in derision for "the Lord of Heaven"] "preached also in Shan-si"? —*Ki.* It is. When your servant was a licentiate, and superintending instruction in the district of Hung-tung, in Ping-Yang Fu, the outlaw, Tsáu Shun, and others murdered the authorities in the city of Chau, we were on the alert night and day, and one day a confidential despatch was received from the prefect of Ping-Yang, stating that in the street of the Shang-kia, in the city of Hung-tung, persons were propagating the doctrine, proselytising, preaching observances, and reciting canonical books; and desiring that, as they were very probably in league with the bad characters of Chau, they should be secretly arrested. On this, the district magistrate, in co-operation with the military, seized a Chih-li man surnamed Wang, who was preaching the doctrine there, and on whose person was found a crucifix and some books of the doctrine of the Lord of Heaven, all in European characters (*lit.* characters of the Western seas). After this, all persons teaching or professing the doctrine were proceeded against according to law.—*Emp.* And what did their books say?—*Ki.* Your servant saw that, besides others, there were some books copied in our Chinese character, which were all about Jesus. Jesus was the person who was nailed on the cross. They purported to exhort people to be virtuous, to keep the heart good, and to do good actions. But there is great unanimity (or community of opinion) amongst the professors of the doctrine; and though, under ordinary circumstances, while people of no intelligence do no more than observe fasts in the hope of obtaining happiness, it can do no great harm: [yet] if, in the course of time, a single remarkable person should appear (amongst them) *he would be almost certain to create trouble* by inflaming and deluding (the people)".—In the Proclamation of recent date, communicated below (186), it will be seen that the Tai-ping doctrines and the Christian religion are in plain terms identified.

Government desires to expulse, and keep excluded, the West. It is in this sense, that Prince Kung, on parting with Sir Rutherford Alcock, impressed on him the necessity to free China of missionaries" (137). They are obnoxious to the Government, even above opium, not as moral and religious instructors, but as the supposed instruments of sedition and trouble, as the real instruments of *civilisation and progress*. The attacks of the Chinese literates are mainly directed against them, not as missionaries, but as a class of foreigners, against whom they find it easiest and with the greatest show of apparent justice, to arouse the passions of the people. The almost fanatical aversion, which shallow diplomats, like Sir Rutherford Alcock and Mr. Wade entertain to the presence of missionaries in China, has absolutely no other foundation, save their own superficial knowledge and misappreciation of Chinese politics.

186. The preceding explanations will account for the circumstance, that the general agitation against foreigners, which followed upon,—as the pusillanimous answer, so to speak, of the Chinese Government to,—the energetic suppression, by the British Authorities in China, of the Formosa, Yang-chow, and Chin-kiang disturbances, and the similar action subsequently taken by the Representative of France, bore an almost exclusively anti-missionary character. In every province, wherein foreigners resided, books and pamphlets were circulated, and placards posted on the public walls, in various forms repeating the same vile and slanderous stories, for the purpose of exciting the worst passions, and arousing the most dangerous prejudices, of an ignorant multitude. That they emanated from the *literati*, is proved by the literary ability with which they are written, one and all, by the elegance of style, and the acquaintance with Chinese Christian literature, displayed in most of these compositions. "Special stress", the rev. translators of a work of this kind: "Death-blow to Corrupt Doctrines", state in the preface,¹ "has uniformly been laid by those quoting it, on the fact that it is distributed by the mandarins...In every instance, in which it

¹ *Death Blow to Corrupt Doctrines*. A plain statement of facts. Published by the Gentry and People. Translated from the Chinese (by the rev. Missionaries at T'eng-chow). Shanghai, (American Presbyterian Mission Press) 1870, 8vo., pp. 64 and ix. According to "the Shanghai Budget and Evening Courier" for January 4,

has been heard of, the parties possessing it have asserted that it was obtained from the yamun. The copy, from which this translation is made, came from the the Yamun of Chi-hia...As to its circulation in places remote from the sea-coast, we have had no means of gaining accurate information. We know certainly of its circulation in three districts and two departmental cities, and we have reason to believe that it has been extensively distributed throughout the north of China. At Lai-chow-fu the book is well known, and it is currently reported that copies were given by the magistrate to the petty local officers, with orders to pass them round for the school-teachers and principal men of the villages to read, and then to return them to the yamun, taking care that none should fall into the hands of the Christians...We are aware, that serious objections may be urged against publishing in English a book so full of obscenity, but at the present crisis, when a true insight into the Chinese mind is essential in order to the proper adjustment of the relations between this nation and foreign countries, these objections seem to us to be outweighed by the advantage of having so direct and reliable a means of ascertaining the dispositions and plans of the Chinese as is afforded by a truthful translation of a book of their own in which their views of foreigners are, as it were, photographed. It is not an ordinary obscene book, nor are its obscenities their own end. They have a subtle aim. It is to connect with the very idea of a foreigner, associations the lowest and most repulsive. For this reason, its obscenity constitutes one of its most dangerous features, and to appreciate this it must be read. It is certainly not a book to be left on centre tables, yet it has its place and its use. It is part of the literature of the present controversy between China and the outside world...In the numerous instances in which obscene language is used, we have been obliged, in order fairly to reproduce the original, to use a similar style of expression, without attempting to gloss it over. In a few instances, where the language is too outrageous, we have simply omitted a few words."

1870, this disgraceful work was originally compiled, about eight years ago, by 唐際盛, Tang Tse Shing [T'ang Chi-Shêng], then Treasurer (Fantai) of 'Hu-peh, and widely distributed, *gratis*, in that and the adjoining provinces, by the Chinese Magistrates.

187. In order to convey to the reader some idea of the general character and tendency of the literature here in question, we subjoin,—omitting the notes, to which references are given, as unfit for publication,—the English version of a “Proclamation”, which, in the latter part of 1868 and subsequently, has been widely circulated in the provinces of the Two Kiang, and was posted up against the city wall of Shanghai, outside the Eastern gate. It has been thus translated:—

PROCLAMATION.

“The doctrine of the ancient Sages is handed down for the instruction of the heart, and the maintenance of personal virtue; aiming, by means of these, to bring about a right adjustment of the family, and a proper government of the Empire. This is real philosophy, attainable by all and comprehending all. None can plead exemption from its claims, even for a moment. This is the religion (doctrine) of the literati. Subsequent to the Three Dynasties the 夏 hea, 商 shang, 周 chow, Buddhism and Taoism gradually spread among the people; the latter proposing to purify men's nature, and the former to induce repentance. But though throughout the empire Buddhist and Taoist priests are numerous; yet few are able to attain to either the state of Buddha or of the Immortals (Genii) and thus these systems are seen to be mere empty talk. Beside Buddhism and Taoism there is Christianity (Religion of the Lord of Heaven) deceiving the people and poisoning their minds with its pernicious principles. The propagators of this system promise to bestow longevity, but in fact their adherents meet with a speedy death. They hold out the promise of gain, but in truth their followers soon lose house and home. I will give an instance of this. The long-haired rebels Húng-sew-tsuen and Yang-sew-t'sing at the commencement of the rebellion employed the words “Lord of Heaven” 天主, to deceive the people. The seventh day they set apart as a day of worship. At each meal they sang grace, one leading, and all the others present joining. All who joined their sect did so under the impression that they were to obtain endless wealth. For more than ten years these men spread anarchy through upwards of ten provinces, destroying myriads of people. But look at them now; where is the long life they expected, and where the wealth for which they hoped? their very blood has dyed the soil and their posterity has utterly perished.

The religion now being promulgated by foreigners, whether Catholics or Protestants, is one and the same. It is only alluring men on by hopes of longevity and gain—two things which all desire; but people generally are not aware of the knavery and lasciviousness practised by these propagandists. What is most to be lamented is that country people are so utterly bewitched that till death they will not change. These country people are naturally stupid and thus easily deceived; moreover, having taken bewitching drugs there is no hope of ever bringing them to their proper senses again. In addition to this, children are constantly being kidnapped, their eyes scooped out, and their brain extracted; both of which are mixed up into stupifying drugs and also used for extracting silver by alchemic

processes. Thus human life is trifled with ; and it is most painful to think that men still remain under the spell of these propagandists, insensible to all this (villainy.)

I now purpose drawing up several articles founded on my own experience and knowledge ; in order to warn men against coveting a trifling gain, and thus involving their posterity in suffering, and also that their innocent families may escape premature death. I hope all benevolent and good men will spread abroad the information given, in order that stupid country people and other illiterate persons may know how to value and preserve their lives. By doing this you will be performing a really meritorious work.

1. It is said that at every mission station chapels are built which they call "Chapels of the Lord of Heaven", 天主堂, deceiving the people with hopes of longevity ; but fearing people would not believe such a doctrine, and knowing that men naturally covet wealth, they allure them by promises of gain. Scholars joining the sect receive eight or ten taels, but stupid country women and girls, being easily deceived, only get some eighty or a hundred cents, and even so low as a few hundred *cash*. They are then forced to take a drug, after which father and mother and nearest relations are regarded as enemies. Old and young are required to wait on the (priests), and wives and daughters are prostituted to their licentious desires ; and all this without any consciousness of shame.

2. It is said that in families connected with this sect one daughter must remain unmarried and is called the virgin. The priest 神父 spiritual father, constantly visits the family, and always comes at night. When he arrives a separate apartment is prepared for him ; every crack and crevice of which is carefully pasted over with paper so that even a breath of wind cannot enter. The priest and the daughter are shut up in the room together, at what is called "a religious examination". The conversation is carried on in so confidential and soft a tone that not a word can be overheard. After a little while, there is the sound as of an embrace, and the noise of walking about the room. At daybreak the priest takes his departure, and the girl is left in so jaded a condition that it is three days before she can walk. And further these virgins are commonly very sallow-faced and very thin. This religious examination (confession), is nothing other than a scene of foulest vice.

3. Whenever there is a marriage in a family belonging to this sect, the priest must come to instruct the bride ; and spends the night previous to the wedding with her. At these marriages, the night on which the priest comes to impart instruction, it often happens that heroic girls refuse to be drugged and violated, and being driven to extremity commit suicide. Such cases are innumerable. The father-in-law and husband having been already bewitched, hush up the matter. Should the lady's father, and mother, and brothers attempt to have the priest punished he stops them by influence and bribery. The father-in-law, mother-in-law and the husband too, counsel a peaceable settlement of the matter.

Alas ! that such virtuous and heroic girls should have had the misfortune to be born in a family of this sect ; thus to die and be cast off like an old shoe. It is cause for deep, deep sorrow.

4. In families of this sect whenever any one is sick, whether old or young, information must be given to the priest, in order that some one may be sent to read the sacred books. During the reading all the relatives are required to leave the room, and are not allowed to see anything that passes. When the reading is over the breath of the sick person is stopped and the body wrapped in a shroud so that none of the relatives may see (what has been done.) The ostensible reason for all this secrecy is, the reading of the sacred books, but in reality it is done in order to scoop out the person's eyes and, placing a copper tube through the empty sockets, to draw out the brain. Such treatment as this would kill a healthy man, much more one enfeebled by long sickness. His connection with this sect however is the real cause of his death, and not his disease. Their wrapping the corpse in a shroud is done in order to blind people; and the friends of the deceased are foolish enough to imagine he has become immortal, and is partaker of great blessedness. They do not know how bitterly he suffered in death, and that such suffering is the reward of all belonging to this sect.

5. Families connected with this sect, every seventh day go to Church to worship. I have seen many well-dressed ladies going in conveyances to the Church; one thing connected with the worship has struck me as being very strange—the young and beautiful females kneel near the priest, just a screen separating them, and a conversation is carried on in a low soft tone, while the old women kneel at a distance, not a word passing between them and the priest. The wives too kneel near the screen, the husbands back below the steps. The women and the priest seem to be on the pleasantest terms with each other. When the nature has been bewitched, stupified, (by taking drugs) people become insensible to shame and can do even such things as these.

6. At the various mission stations children are constantly being kidnapped, because human eyes are indispensable to the making of the seductive drugs used by these people. Moreover foreigners have a method by which white copper can be turned silver, and for this also human eyes are necessary. Now as these foreigners possess large quantities of silver, the number of people they destroy must be enormous. It is horrifying to think that all the money disbursed by this sect is obtained at the expense of children's eyes and lives. A man with a particle of human feeling in him should scorn to receive such ill-gotten wealth.

I have resided in Shanghai some seven years, during which time I have seen and heard much of this sect. There is a Shanghai man named Chiö, whose ancestors for several generations had been adherents of this religion. This man Chiö at the age of twenty saw the utter falseness of the system, and repeatedly exhorted his parents to give up their connection with it; but his exhortations were in vain. He then escaped from home and went to Shansi, where he resided with some relatives. After more than ten years he returned to Shanghai, and found that both his father and mother had died, which was a matter of life-long grief to him. Their death, however, fortunately enabled him to break off entirely from this sect. He was an intimate friend of mine, and related to me the injurious and debasing practices of its adherents, and he always spoke with great bitterness.

There was a Pó-túg man named Káng, who told me that when he was young he had been very fond of gambling, and that in consequence he often

had no means of obtaining either food or clothing. On one of these occasions he was advised to join this sect, and thus obtain a little money to tide him over present difficulties. At first he refused, but one year being unable to extricate himself from his embarrassment he resolved to take the course recommended. He told his relatives that necessity compelled him to take this step, and that it was said that all who joined the sect must swallow a certain drug which casts a spell over men. He asked them to await his return, and having bound him to force him to swallow some hemp seed, or other vegetable oil; in order to produce vomiting. Should this fail they must administer Tung-oil (桐油) which is certain in its effect. Having returned home from joining the sect the above plan was followed. He swallowed four catties of oil which brought on retching; and the pill he had taken came up unacted on. The pill on being broken up was found to contain a copper man, 銅人, which he threw into a cesspool. That night, those who had induced him to become a Catholic, came saying that since he did not believe, he must not vilify the medicine, and that he must return the money he had received. But by this time a large portion of the money had been spent, and he had no means of obtaining any more—he had nothing but his body to give them. Suddenly he saw a flying knife, and a flying two-edged sword which scared him terribly. They then went to seek the drug he had cast away and having found it departed. After this he had peace. It is clear no one should have anything to do with this sect. Should any be bold enough to make the experiment, their hardihood may cost them their life. Once you join this sect, your body, your home, your life are no longer your own. Is not this sufficient to strike terror into any one?

The main argument of this proclamation is in every respect similar to that of the "Deathblow to Corrupt Doctrines"; only that the language of the latter is, throughout, more "outrageous".

188. To show, however, that the anti-foreign agitation, thus carried on by the *literati*, is by no means directed against the missionaries in their character of moral teachers, but chiefly, as we have already pointed out (185), in their capacity of foreigners invading the interior of China: we may adduce the troubles at Swatow, in January 1869, occasioned by a wanton attack upon one of the boats of H. M. gun-boat "Cockchafer", and followed by placards being posted in all the surrounding villages by the literate gentry, urging the people to rise and exterminate "the outer barbarians", and offering a prize of fifty dollars for every foreign head brought in: thus provoking a severe chastisement, and the burning of several fortified villages. Further, the simultaneous rumors of an intended massacre, at the Chinese new-year, of the chiefly commercial community of foreigners at Chi-Fu,—relieved only of

their anxiety by the appearance of one of H. M. ships-of-war; the uneasiness, produced soon afterwards, by similar threats of attack, at Hankow; and the "Proclamation", which the Yang-tze Exploring Expedition, in the spring of the same year, on ascending the upper river, provoked the *literati* of I-chang, a prefectural city of 'Hu'-peh about 400 miles from Hankow, to post, during the stay of the expedition at I-chang, by way of warning, lest merchant or missionary should be tempted to take up their abode in the "hospitable" town. The following is a translation:—

"MINUTES of a meeting held at "I-chang-foo," which minutes were made public on the 15th day of the 3rd moon (April 26th 1869.)

The inhabitants of the seven districts forming the department of "I-chang," have, after mature deliberation, arrived at the humble conclusion that from generation to generation they have been the recipients of much Imperial favor.

During the more than 200 years that the present dynasty has existed, they have enjoyed the kindly fruits of the earth, and all other temporal blessings; and, as the only way of repaying the favours thus showered upon them, they had striven to deport themselves as good and faithful subjects.

In proof of the all-favouring influences possessed by his Imperial Majesty, they would only point to the recent campaign against the Canton and local banditti. Insurrections, which at one time bid fair to spread over half the land, were checked, immediately the able and distinguished officers appointed by His Majesty made simple demonstrations, and it may be said (of the inhabitants of this district,) that not one exists but is filled with unspeakable thankfulness.

At present, it behoves that attention be turned to the movements of the inhabitants of a place called England, a small and insignificant country, situated in the extreme angle of the ocean. These people, brutal by nature, aim at enriching themselves at the expense of others, and, with this object in view, they swarm over the face of the earth.

The religions they profess are those known as the religion of Jesus Christ, and of the Lord of Heaven, and the believers therein are simply the scum of the earth; issuing forth from their out of the way country, they disseminate depraved doctrines, which unsettle and delude the people; whilst in their steamers, which hurry to and fro as the wind, they search out the nakedness of the land.

Already has the trade of Hankow fallen into their hands, and they now seek to wrest from us our commerce and our possessions.

Their evil doings are more numerous than the hairs of one's head; in fact, why the earth deigns to sustain, or the light of heaven to shine upon, such monsters, is a mystery.

As before mentioned, it is incumbent on us to prevent our district being overrun with these pests, and with this object, the following (preventive) measures are solemnly proposed, viz:—

It is proposed that a reward of 40,000 *cash* [about £12] shall be paid to *any one who may cause the death of a foreigner.*

A similar reward shall be paid for the destruction of a steamer.

The native who dares to dispose of land to foreigners for building purposes &c., shall be surely put to death. He who gives information resulting in conviction shall be rewarded with 10,000 *cash*.

He who dares to let his house to a foreigner, shall have his property razed to the ground, and who gives information which results in conviction shall be rewarded with 10,000 *cash*.

Ferry-men found conveying foreigners to and fro shall have their boats seized and burnt.

He who in attempting the life of a foreigner may himself be wounded, shall be rewarded according to the circumstances of the case.

Should any one lose his life when attempting that of a foreigner, his funeral obsequies shall be carefully attended to, and his family shall be paid the sum of 300,000 *cash*.

In Formosa also, at the close of the year, fresh outrages were committed upon English merchants by the local mandarins, encouraged by the infatuated apologies, tendered, for the late "unauthorised" occupation of Fort Zelandia (181), by Her Majesty's present Government. Again, British property was unlawfully seized; the right of foreigners to purchase camphor and to travel in the interior, although duly provided with passports, denied; a British subject, Mr. Field, robbed and placed in irons; and placards posted, *offering a reward of two hundred dollars for the head of another British subject, Mr. Pickering*, and inviting all Chinamen to attack him and seize his goods. The excitement was in this manner kept up throughout the year, during the summer of which the Rev. James Williamson, on his way from Tientsin to one of the stations of the London Missionary Society in Shan-tung, was murdered by a band of armed men, on August 25-26, in a junk, while anchored for the night at a short distance from a village on the Grand Canal, about thirty miles only from Tientsin. There still hangs a mystery over this sad affair, which may never be cleared up. One thing, however, is certain, namely, that Chinese officials were implicated in it; and that His Excellency Chung-Ho, although he sent a large body of soldiers to recover the corpse, did nothing to bring the murderers to justice. The same spirit of encouragement and protection granted to the assailants of foreigners by the Chinese authorities, was manifested by the Tao-tai and the Chih-fu

of Ngan-king, the capital of Ngan-wei, when, during the autumn examinations, the mission-house of the Revds. James Meadows and Alexander Williamson in the city was, on the 3rd November, 1869, destroyed by a mob, shouting "kill the foreign devils", at the instigation of the *litterati* by means of inflammatory placards, and with the connivance of the magistrates. Both missionaries had with their families to fly to Kiu-kiang, and narrowly escaped with their bare lives. A house, belonging to the Jesuit Missionaries, was attacked and gutted at the same time. Let it be remembered that, while China was thus, in general accordance with the programme of Tséng Kuo-Fan accepted by the Imperial Government, *offering prizes for the heads of English officers and merchants*, and murdering and planning the murder of English missionaries, the Hon. Mr. Burlingame, her Messenger to the West, succeeded in persuading the English Government of her anxiety "to strike off the shackles from trade", and "to plant the shining cross on every hill and in every valley" (129).

189. Even among a people so apathetic as are the Chinese, the system of agitation, adopted and pursued by their literate and official classes, could not fail to produce the desired effect. It was impossible not to remark, that a change had come over the masses. Their prejudices and ignorance had been, and were being, worked upon to such a degree, that public excitability was aroused on the slightest occasion, and no story against foreigners, however absurd, was discredited. Thus, the employment of some Hindu watchmen in the compound of Trinity Church, within the British Settlement of Shanghai, gave rise, in the month of October 1869, to considerable commotion and tumult. Placards were posted at the corners of various streets, asserting that those watchmen were in the habit of murdering native passers by about midnight; while one bill represented them to be the agents of the Queen of England, being in want of the carcasses of eighteen coolies for medicinal purposes; and another bill affirmed, that the bodies of ten Chinamen were actually lying at the bottom of the pond, facing the Church. Yet another report would have it, that a foreign hong had contracted with the

¹ The North-China Herald for October 5, 1869.

watchmen for the bodies of ten Chinese boys and ten girls. Of the two placards, most widely posted in the Settlement, the following are translations:—

i. Early and late (by night and by day) people are being caught to be buried alive as piles for the Church. All round the building several painted or tatooed devils are lying in wait to catch people, and have already caught several tens. Men of known respectability have written this with a view to apprise the (native) officials of the fact.

ii. We hear they want to catch twelve persons, male and female, to bury alive beneath the New Church. We hear also that four or five people have already been caught, of which fact many are able to bear personal testimony, having seen it with their own eyes. We now warn all persons having occasion to pass that way to be on their guard, and on no account to pass after dark. Four devils dressed in red with painted faces so as to appear like hobgoblins are lying in wait. Foreigners (red-haired men i.e. Englishmen) have subscribed Tls. 12 (as a reward for) the capture of twelve persons, at the same time clearly stating that, should the kidnappers be caught by the Chinese and be beheaded they (the subscribers) do not hold themselves responsible. ¹

And in order to exhibit to the Chinese the crime of even simple kidnapping in all its heinousness, the magistrates, in the cases of natives, began to visit it with an unusual degree of cruel severity. Thus, at the commencement of 1869, a rice-cake seller in the native city of Shanghai, whose only son had been kidnapped, met the child soon afterwards in the street, when he learned that a neighbour had stolen the boy and sold him to a Cantonese of substance, who wished to adopt him. The father brought the case before the Chih-s'ien, who sentenced the kidnapper to being placed, in an upright position, in a cage, with hands tied up, and his head raised, through a hole fitting the neck, above the upper board in such a manner, that his toes only touched the ground; and to remain exposed, in that position, until he be dead from starvation and exhaustion. In the case in question, the kidnapper went through only one day of this torture; the prosecutor, who had recovered his child and considered it incorrect to have his neighbour suffer death under the circumstances, having petitioned the magistrate to commute the remainder of the sentence to a promenading exhibition in the cangue for three days. But in other instances, the "law" has been allowed to take its course; ² and death has not ensued till

² So, a correspondent writes to "the North-China Herald" from Fu-chow, on

after several days of agony, invariably enjoyed and gloated over by a Chinese crowd.

190. After the public mind had been thus worked upon for a sufficient period to render it inflammable and disposed to deeds of blood against foreigners, whenever they might be determined on, the day of the following summer-solstice, 夏至, an important one in Chinese astrology, was chosen for striking a first great blow, which, it was anticipated, would directly or indirectly deliver at least the Eastern Provinces of China from the hated presence of the outer barbarian. The day was found—for, we need hardly say that even the Chinese Government would not think of entering upon any grave enterprize without consulting the fates,—to bear every mark of a propitious character for the work in contemplation. The solstice fell, according to “the Ta-Ching Almanac, by Imperial command carefully computed and published by the Imperial Board of Astronomy for the use of the Empire Universal, and for the ninth year of T’ung-chih”, on the twenty-third day of the fifth month, corresponding to June the 21st of the Gregorian calendar; on which day the Moon entered her third quarter in 卯,—i.e. here: ‘between five and seven o’clock in the morning’, mean Peking time,—and the Moon’s influence was wholly favorable to the commencing any undertaking, more especially the carrying out “the great punishments of Heaven”, 災, “slaughter and extermination” 煞. And in the official Horoscope for the ninth year of T’ung-chih, likewise by Imperial command computed and printed by the Imperial Astronomical Board,¹ it is

May 25, 1870: “For several days, at the Tea-Pavilion, half way between the foreign settlement and the city, a man has been standing in a wooden cage, where he will stand till death intervenes. His crime is kidnapping children, and his age about 20. Last Saturday, I passed the place, and a great crowd of idlers were standing around, gazing and laughing at him. He had been put in the cage the previous day. A seat had been arranged on which he was sitting, his head protruding above the top of the cage. His eyes were shut, and he was nearly motionless, as if asleep, if sleep were possible in such circumstances. Early on Monday morning, I passed again; his seat, which was simply a small piece of board extending from one side of the cage to the other, and kept in position by cleats, nailed under each end to the sides of the cage, had been removed. The wretch was standing on tiptoe, with his ankles chained together by a short iron chain, and his hands tied behind him. Some one had put into the cage a few broken bricks. At times he would try, by standing on the tiptoe of one foot, to arrange some of these pieces together, by using the toes of the other foot, so that by standing on them he might ease himself a little; but he made poor

laid down that, in the year in question, 災煞 is connected also with 卯 as referred to the Moon, the same as are 胎, "the embryo of greater things", and 金, here: liberal reward; further, that 災煞 is, 正北 due north, in 子方, "the principal house" and commands 午, here: the seventh division of the day, i.e. from eleven a.m. to one o'clock p.m.: while the horoscope of the Imperial Almanac again instructs us that, in the house 卯, "the great military leader will advance in battle-array", and that, in the house 子, "the great lord of the year is destructive", and that there will be "great spoil, judgment from on high, slaughter, and extermination". It would, therefore, have been difficult, according to the astrological superstition of the Chinese, to have chosen for an attack upon foreigners a more propitious day than the twenty-first day of June, 1870, and a more favorable hour, than the Chinese hour extending from 11 o'clock a.m. to 1 o'clock p.m. on that day. In order, however, to lull suspicion, and to prevent any measures of precaution or defence, which might have endangered or frustrated the plan, being taken on the part of the outer barbarians, the whole country was kept quiet for nearly half a year previous. Between the commencement of the ninth year of T'ung-chih, on January 31, 1870, and the 11th or 14th day of the 5th month=June 9 and 12, the days selected for the preparing the outbreak, because, according to the Imperial Almanac, on the latter day "Heaven's undivided grace", and on the former "the Moon's powerful influence", favored the initiation of works of destruction, slaughter, and ruin,—foreigners

work of it, as he could not see the pieces, and had to labour by the sense of touch only. Before six o'clock, a considerable crowd had already collected about him. His sufferings must have been great, having already been there 60 and more hours. He would occasionally groan, while endeavouring to heap together two or three pieces of brick so that he could ease a little the pressure which was upon his neck or toes; for without anything higher than the bottom of the cage on which to stand, he was obliged to remain on tiptoe or hang by his neck".

¹ The title of this annual treatise, not intended for the public, is: 欽定修造吉方立成. 32 pages Imp. 8vo. Prefixed to it is an Imperial Edict of Kia-Ching, who first ordered it to be printed in 1819. The popular title of the Imperial Almanac, under the present dynasty, is: 大清同治九年時憲書; the special title: 欽天監欽運御製數理精蘊印造時憲書頒行天下. There are various editions. The standard edition contains 102 pages Imp. 8vo., besides the frontispiece, superscribed: 萬年書鑑, "The Mirror of Ten-thousand Years".

were disturbed by not even the rumour of any manifestation of hostile feeling against them; and so perfect was the security felt that, on Her Majesty's birth-day, the 24th of May, no English ship-of-war graced by its presence the harbour of Shanghai, and the usual royal salute at noon "was courteously fired by the French corvette *Dupleix*, decked in honor of the occasion". On the days in question, however, June 9 and 12, official proclamations against kidnapping and kidnappers, offering rewards for the apprehension of the latter, were posted simultaneously in Shanghai, Nanking, Chin-kiang, Yang-chow, and Tientsin, besides many other places. They were apparently directed against natives, in reality against foreigners, and served as the starting-point of agitation, preparatory to the massacre, for which the day of the approaching summer-solstice had been appointed. The following are translations of the placards issued by the magistrates of Chin-kiang and Shanghai:—

PUBLIC NOTICE ISSUED FROM THE YAMEN OF THE CHIN-KIANG TAOTAI.

Whereas of late, whenever young children have been kidnapped at various places along the river, by means of stupefying drugs, it has always transpired, through the depositions taken from time to time by the local authorities, that the culprits had taken passages in steamers and conveyed the children to Shanghai, where they were sold for the purpose of having their eyes scooped out, and their private parts cut off to be used in the preparation of mysterious drugs—a fact, alas, most lamentable; and whereas it is presumed that the Captains and Chinese stewards, who traverse the rivers and coasts on board the steamers, are not wanting in benevolence and rectitude, a special appeal is hereby made to them to be careful in noting whether they have any passenger travelling without his family, but having in his charge any young boys or girls, and, if he cannot give a good account of himself, while his appearance is clearly suspicious, to watch him, and lay private information at the Customs House on arrival in port. The Customs officials will thereupon seize the individual, and forward him to the Taotai for trial and punishment.

The merit of such an action will be great indeed. A respectful notice.

PROCLAMATION ISSUED BY WANG, CHIH-S'ÏEN OF TANTU, IN THE
PREFECTURE OF CHINKIANG.

Whereas it has been discovered by me that a number of vicious characters are going about in all directions, kidnapping children and young women, by stupefying them either through the medium of taste, in something they give them to eat, or of vapour conveyed in tobacco they give them to smoke, thereby rendering them more easy subjects for abduction, the result of which is that they are cruelly murdered for the sake of procuring, in the case of males their eye-balls, livers and *testes*, and in that of females their breasts and privy parts, which are cut out to be made up, it is presumed, into some strange drug.

And as this is a matter for deep commiseration, the Chih-s'ien has taken secret and vigilant measures for their apprehension, and it is his duty to issue this pressing notice, calling upon all classes not to allow their wives and children to run the risk of being kidnapped by going out at will ; and any one who can procure the conviction of one of these kidnappers shall, without fail, receive a reward of \$100. Let all obey with trembling. A necessary notice.

PROCLAMATION BY T'U, TAU-TAI OF SHANGHAI.

"T'u, by Imperial appointment military intendant of the Soochow, Sungkiang and Taitsang circuits, offers the following rewards for the apprehension of kidnappers.

In Nanking some scoundrels have been kidnapping children by means of stupefying (drugs.) From the evidence given by some of the captured kidnappers, it appears the children are either taken to Shanghai and sold, or their eyes, &c., are cut out and used for compounding stupefying (or bewitching) drugs. Such rascality as this excites one's bitterest detestation. It is feared, however, that some of the accomplices will elude search, and escape to other places and there carry on similar practices. Besides, therefore, ordering strict search to be made for them, we offer a reward of sixty dollars for the apprehension of each offender, and thirty dollars for such information as shall lead to the arrest of any one of them, and thirty dollars additional for each one caught. This promise will be faithfully carried out. Let every one obey. A special proclamation.

T'ung-chih, 9th year, 5th moon, 14th day.

The wording of these proclamations is remarkable, and conveys much more to the mind of the Chinese reader, than appears on the surface. The meaning of a reward of sixty or a hundred dollars, offered by a Chinese magistrate, ostensibly for the apprehension of a native kidnapper, could hardly, even without any verbal explanation, be obscure to a Chinaman.

191. Various special considerations and influences combined with its general policy in inducing the Chinese Government to entertain the idea of a popular massacre, as a means of freeing, in the first place, its Eastern Provinces of the presence of foreigners. While every precaution was taken to avert suspicion of its complicity in the execution of such a scheme, and the Capital itself was for this reason,—and for this reason alone,—excluded from the contemplated scene of action: the burning question, which urged the Government on to its fatal determination, was the audience question ; the Tsung-li Yamén being aware, that the admittance of the Foreign Representatives in Peking to the presence of the Sovereign of China, in conformity with Western ceremony, would

be demanded on the Emperor attaining his majority, and as, indeed, on the part of the United States Government, had been formally intimated, in the Hon. Mr. Seward's letter of June 3, 1863, to "the Chinese Embassy" (132). The impending revision of the Treaty of Tientsin produced the plot of the Burlingame Mission; the impending admittance of Foreign Ministers to the Tatar Court of China produced that of the Twenty-first of June. We have previously observed, that we are not in possession of the Chinese text of Tsêng Kuo-Fan's Secret Memorial (177), the only English translation of which before us, so far as it relates to the audience question, is so manifestly unreliable and self contradictory, as to be useless. It would be hardly rational to include the author of that document in the number of "certain officials, who know of the existence of the difficulty, and among whom", as Mr. Hart, in his "Note on Chinese Matters" assures us, "there is no doubt that there is a growing feeling in favour of its settlement by the reception of foreign representatives". Mr. Hart's own ideas upon the subject appear as amusingly unsettled, as they are painfully ungrammatical, it being obvious that his mind is alternating between a burning desire to be "admitted to the presence" himself, and to please the Tsung-li Yamên by frightening the Western Powers, in the persons of their Representatives, out of it. As the Emperor pretends to be the sole mediator between Heaven and men and the one true Vicar of God on Earth: so the Inspector-General of Chinese Maritime Customs would fain be the sole go between the Monarch of the World and the "Ministers Plenipotentiary" of his faithful feudal lords, permitted temporarily to sojourn in the Capital of the Ching Empire Universal, for the transaction of certain Tributary-State-business; but, failing this, rather than return to the Emerald Isle without one ray of "the Sacred Glance", he would content himself to *share* the privilege of admittance with the great Powers of the West, and have the latter pay, if need be, the cost of a war for the gratification of his ambition. Something like this, it seems to us, is the current of thought, which underlies the incoherent and rambling paragraph (5) on the audience question in Mr. Hart's appended "Note on Chinese Matters". The only point in it,

worth noting, is that the confidential adviser of the Tsung-li Yamén, "cannot with confidence predict a pacific solution of the question, he being of opinion, when it does come up, that Westerns will either have to fight for it, and by carrying their point, place relations with China on a sure footing for ever, or withdrawing from the demand for an audience, acquiesce in inaugurating a policy of which the sole view will be to drive out the foreigner as speedily as possible". We will not here insist on the utter and glaring want of logic, which characterises Mr. Hart's argument, as it does his arguments generally (5, 2). A favourable solution of the question would obviously, no more tend to place Western relations with China on "a sure footing for ever", than the mutual access of ambassadors to the presence of European Sovereigns has done to place European relations; and its abandonment, certainly, would no more induce, on the part of China, a policy the sole object of which would be to drive out the foreigner, than has done its abeyance. On the contrary: such a policy has been induced by the very anticipation of the demand in question being enforced by the Western Powers. And what, in perfect accordance therewith, can alone interest us in Mr. Hart's remarks, is his entertaining the opinion of a war with China being involved in the audience difficulty, and, inasmuch as he himself is completely abroad regarding the bearing of the latter, that his opinion must be supposed to rest on an impression conveyed to him by the Tsung-li Yamén, and, therefore, to represent the actual view of the Yamén and the Chinese Government upon this particular question.

192. Indeed, it would be hard to take a different view of that question, and to overrate its importance from the Chinese stand-point. For, the admittance of the Representatives of Foreign Powers to the presence of the Emperor, under European forms of ceremony, means their admittance on terms of equality, so far as regards the sovereign rank of the Western Powers, whom they represent, with the Emperor of China. If the moral effect of such an admittance were confineable to the Western nations, the Chinese Government, as such, could scarcely raise any serious objections to it: but not only is this not the case; it is, moreover, one of the very objects of the Governments

of the West, in demanding for their Representatives access to the Imperial presence, that the equality of the Western Rulers with the Ruler of China, as independent Sovereigns, should thus be formally recognised by the Tatar Government *in the sight of the Chinese people*. Herein it is, that the first insuperable difficulty lies against a peaceable solution of the problem : because, as we have previously shown, the recognition in question involves the abandonment of all the advantages just secured, at a large expenditure of money, by the Burlingame Mission (83, 174) ; the " violation ", in the words and opinion of Sir Charles Wentworth Dilke (149, 1), " of one of the most holy traditions of the Empire " ; the relinquishment of the chief aim of the hereditary policy of the Chinese Government, so ardently and successfully pursued of late ; nay, *the subversion of the very foundation, on which the whole structure of Chinese polity rests* (26, 57, 73, 169—172). A second difficulty, as insuperable as the former, consists in this, that *the interests of the whole Chinese nobility and high official world are opposed to the admittance of Foreign Representatives to the presence of the Emperor*. The reasons are many and obvious. The contemplated innovation would be the death-blow to a régime, hallowed by ages ; it would emancipate the Emperor, though absolute yet more or less a puppet in their hands, from the fulness of their influence and control ; interfere with and unsettle their habits of political deceit and duplicity ; endanger at any moment their individual positions, and, under circumstances, their lives ; and open the Tatar Court to intrigues, with which they might be at a loss to know how to cope : in short, it would be tantamount to a revolution both in the Palace and in the Government. We, therefore, incline to think, that " Wên-siang and his three or four colleagues " must have imposed on the credulity of the Tsung-li Yamên's confidential adviser, in persuading him of their " anxiety, at the risk of office, influence, and life, to keep the peace, on the subject of audience " ; instead of, with heart and soul, joining Tsêng Kuo-Fan, the entire body of Chinese magnates, the Government, and the Imperial Court itself, in " taking up arms to defend the people (177) ", i.e. themselves, against a danger threatening—at least in their own estimation—their very political existence, together

with the polity of the whole Empire. It was the impending audience question, involving the most important of "the great interests at stake" (177), which, as we have already stated, has mainly induced the Chinese Government to devise, or enter into, the Plot of the Summer-Solstice. Among the personal influences, which, no doubt, greatly contributed to its partial consummation, and may, thus far, almost exclusively be traced to causes connected with the action of the French Chargé d'Affaires, Count de Rochechouart, the most potent one is, to all appearance, that exercised by one of the Princes of the Blood Imperial, an uncle of the Emperor's, the *Wang-I*, 王義, more commonly known as the seventh Prince,—Prince Septimus. We have already alluded (104) to an accidental *rencontre* between him and the Representative of France, for an incident in which, wholly undeserving of notice, the latter, most injudiciously and in an aggravating manner, exacted a formal apology. Hence, combined with many other causes, the personal malice, borne by the proud, fiery, and revengeful Tatar nobleman towards M. de Rochechouart and France; and hence his presumed energetic support of the plot in question, more especially as directed against Frenchmen. He is now the soul of what is called "the war-party" in Peking, and it is through him that the Chinese General Chên Kuo-S'ue, who acted so prominent a part in the Tientsin tragedy, is believed to have communicated with the Central Government, previously to the massacre.

193. The first care of the Chinese authorities, upon issuing their incendiary placards against kidnapping, some on June 6, 1870, by those who, like the Chih-s'ien of Chin-kiang, placed greater reliance in "the Moon's power and influence", others on July 9, by those who, like the Tau-tai of Shanghai, trusted more in "Heaven's undivided favor" (190), was to direct the popular excitement, produced by them, unmistakably against the foreign missionaries. In this, they so far succeeded. The plot, however, as such, proved a failure from the commencement. Nor is it difficult to assign the reasons. The very nature of the undertaking precluded the Central Government from acting either openly or officially in it. All the arrangements had to be made verbally and, for the

most part, indirectly. The whole responsibility had virtually to be accepted by the chief local authorities. They were without written instructions; and they knew, that the risk to be incurred would involve their lives. Chung-'Ho alone had, in the early part of the year, been summoned to Peking, and might hold his safety to be guaranteed. Besides, the passions of the people had been solely directed against the foreign missionaries, as accused of kidnapping and the perversion of natives to a detestable creed. It was, therefore, not so easy to divert the minds of a Chinese multitude from this one engrossing idea, and to turn its indignation against foreigners generally, even in the eyes of the Chinese innocent of crime, because accused of none.¹ The principal scene of action had been laid in the provinces of Chih-li, Kiang-su, and Chih-kiang; the missionary establishments in Shan-tung being too insignificant, and the prospects of immediate retaliation too great, to invite the striking a blow in that quarter. Similar considerations, in all probability, prevented the excitement created in Ning-po and Chin-'hai, from being allowed to burst out into acts of positive violence. As to (Shang-'hai) Shanghai, Ting, Lieutenant-Governor of Kiang-su, who had been called to Peking in the preceding autumn, is likely to have represented to the Central Government the hopelessness or the dangers of any attempt, except under contingencies, then not as yet contemplated. The proclamation of the 'Tau-tai of Shanghai against kidnapping; some degree of commotion among the populace of the native city; and the unusual presence of a certain number of native gun-boats in the harbour, were the only visible signs,

¹ There are already indications, which lead to the inference that, on the next occasion, the grounds of accusation, connected with kidnapping and prostitution, will be so extended as to bring foreigners generally within their scope. Thus, *fi.*, the following proclamation by the Chih-s'ien of Shanghai, in regard to kidnapping females, was prominently posted on the city walls, in November 1870.

"Chu, the acting Chih-s'ien of Shanghai, a titular Prefect, and expectant Sub-prefect, issues the following proclamation.

The Chih-s'ien is informed that, in the city and in the out-lying towns and country, there are certain old hags and destitute villains, known by the name of *pai-mai-i* (white ants), who, for the sake of gain, decoy away and sell young married women and girls, thus separating husband and wife, mother and daughter. Such crimes, being intentionally committed, cannot be allowed to escape without severe punishment, and the Chih-s'ien will deal rigorously with such cases as may be brought before him. But he could not bear to punish till he has warned, and therefore issues

which betrayed the existence of the plot of the Twenty-first of June at the great emporium of Western commerce in China. Chin-kiang, Yang-chow, and other cities of Kiang-su, where public feeling ran high, waited for, ready to follow, the example of Nanking. In Peking and Pau-ting-fu, the provincial capital of Chih-li, the strictest order and tranquillity had to be maintained, lest a suspicion of complicity should have been excited against the Central Government. Thus, the success of the plot was virtually left to depend on the action of Chung-'Ho, Superintendent of Trade for the Three Northern Ports, and Imperial Commissioner, at Tientsin, and Ma S'in-I, Governor-General of the Two Kiang (Kiang-su and Chih-kiang), at Nanking; more especially on that of the latter.

194. Kidnapping is one of the most common crimes in China, and under ordinary circumstances attracts no public attention whatever. When, therefore, any popular excitement is created in connection with it, this is of itself a proof of unusual agencies being at work; but, when rewards up to one hundred dollars are offered by the local magistrates for the apprehension of kidnappers, as was also the case in Nanking, no Chinese populace need be told, that such rewards have a meaning of their own, and that the destruction of foreigners, accused of the alleged crime, is their object. Besides the mechanics and workmen, employed in the Arsenal under Dr. Macartney's direction, French and English missionaries are the only "barbarians" resident in "the Southern Capital". At the time, the Rev. Hudson Taylor and his party, of Yang-chow notoriety, represented the latter. With his previous experience, Lord

this notification for the information of residents and others. Henceforth, let all diligently reform themselves, repent, and turn from their former wrong-doing, from being vicious become virtuous, and never again tread in the old paths. Those daring to act otherwise, on being informed against, or on being seized and brought to this Yamén, will be punished with the utmost severity—being beaten till they die beneath the rod.

Residents or others seizing and bringing bound to this Yamén any accomplices of the villains who kidnap and sell females, will, on the case being proved, receive a reward of fifty dollars. Those who knowingly take such women for wives or concubines, as well as the constables who fail to report the cases of seduction which occur in their districts, will be punished with twofold severity. The Chih-s'ien's words will be followed by corresponding actions; no clemency will be shown. Do not say you were not forewarned. Let each obey with trembling; oppose not.

A special proclamation".

Clarendon's instructions to the British Minister in Peking, and the well-known philomandarism of the English Chargé d'Affaires Mr. Wade, to guide him: Mr. Taylor withdrew from the scene of action upon the first approach of actual danger; leaving his French brethren in Christ, with their native congregations, to bear the brunt of the battle. Chinese officials searched the establishment; only, however, to convince themselves that there were no kidnapped natives in the process of being boiled down for medicinal purposes. Hence, failing so desirable a proof, the torture had to be applied to a number of suspected persons, already arrested with that view. Without much difficulty, they were made to confess to having kidnapped children at the instigation of foreigners, and thereupon, in order to stimulate the populace to frenzy by the sight of blood, immediately beheaded. At this juncture, however, and when the French missionaries were on the eve of being attacked and massacred, the Governor-General Ma, appealed to for protection, issued exculpatory and warning proclamations, which at once restored tranquillity. They included posted copies of an important document, agreed upon between him and the French Chargé d'Affaires, M. de Rochechouart, during the presence of the latter in Nanking at the close of 1869, and of which the following is a translation:—

PROCLAMATION BY MA, VICEROY OF THE TWO KIANG, GOVERNOR OF KIANGSU.

It is stated in the 13th Art. of the French Treaty that 'the Christian religion having for its object the exhortation of men to do good, its converts shall all enjoy the fullest protection to their persons and property, and shall be free to meet together for the performance of the worship and chants of their religion. The Local Authorities must treat the Missionaries with respect, and afford them protection. No interference shall be offered to such as wish to embrace the religion and practice its rites. All former notices whatsoever, prohibiting the doctrine of Christianity, no matter where they were promulgated, must be annulled and removed.'

The 6th Article of the supplementary Treaty also states that 'French Missionaries can follow their own will in buying land or building houses in any province.'

Now these converts, for all they embrace a new doctrine, are yet Chinese subjects; and their teachers inculcate respect and obedience to the Sovereign, and a careful observance of the laws and statutes of China. Of course, then, they must be treated with the same kindness (as you show to Chinese); and so exemplify the wish to regard all with equal benevolence.

The Tsung-li Yamèn obtained an Imperial edict directing the Viceroys

and Governors to compel the Local Authorities to deal promptly and equitably with all matters affecting the converts; and not to allow them either to attach such importance as suited themselves to the cases, or intentionally to delay their settlement, and thereby oppress the converts. All this is on record; and the above order must of course be followed out. Yet of late, in several places, people have opposed their procuring land or erecting churches, and have erected disturbances, relying on their numbers.

Although the Local Authorities received strict orders from the Viceroy and Governors to apprehend and punish the rioters, yet they have been unable in some cases to put a speedy end to the disturbances.

The French Minister, M. Rochechouart, treated the matter in accordance with the Treaty.

Hereafter, the people and the Missionaries, wherever they happen to be collocated, must preserve a lasting friendship and respect for each other. It will not do to stir up any more commotions.

It is right that we should issue a clear proclamation on this point. And this proclamation is hereby issued, for the information of all within our jurisdiction, both soldiers and civilians. You are to know that the Treaty sanctions both the preaching and the embracing of these doctrines, while those who don't care to be converted cannot be compelled to do so. You are not, therefore, to offer perverse opposition.

These Missionaries have come from abroad, with the set purpose of inculcating virtue; and it is all the more necessary therefore to treat them with courtesy.

After the issue of this proclamation, every one must observe the Treaty; it will not do to make an appearance of complying while you secretly break it. The law will be applied with extra severity if there is any more rioting, and clemency will be impossible. The experiment had better be avoided.

A necessary proclamation."

Thus, the further progress and final consummation of the Plot of the Summer-Solstice were suddenly arrested, not in Nanking only, but throughout the whole of the Two Kiang, by the action of Ma S'in-I. His motives, so far as they may be inferred from known circumstances, were partly of a personal, partly of a public nature. Tsêng Kuo-Fan, as his private memorial had placed beyond a doubt, was, if not the originator, certainly a warm supporter of the movement set on foot; and between Tsêng and Ma there existed not only a divergence of political views upon one or two essential points, but also a private misunderstanding, dating from and connected with the Yang-chow affair (183). Moreover, the latter was unwilling, under the circumstances of the case, to place his life in peril in a dubious cause. And, above all, as we learn from a subsequent Memorial to the Throne by Liu Kuân-I, Governor-General

of Kiang-si,¹ Ma considered the whole military system to require so many fundamental improvements, and the army to be so imperfectly disciplined, as to be *utterly unreliable in cases of emergency*. Had the Governor-General of the Two Kiang pursued a different course, there is every probability that a general massacre would have been attempted, and partially at least carried out, in the Eastern provinces, possibly thereupon throughout the Empire; that, for the time being, the foreign commerce with China might have suffered a serious interruption; and that most of the political advantages, secured by the two former wars, might have had to be re-conquered by a new one, more costly and protracted than either. As it was, the action, taken by Ma S'in-I, saved at all events the majority of foreign communities in China from a great calamity, though only so at the price of his life. On the morning following the lapse of two Chinese months and two days after the Summer-Solstice, i. e. on August 22, he was struck down by the knife of an assassin in his own Yamén, and expired on the day following. The hired murderer was a 'Honan man, and had arrived in Nanking but a few days

¹ See the Peking Gazette for November 25, 1870.—The suggestions of Ma for the better organisation, and the higher and more regular pay, of the troops, were carried into effect by the Governor-General of Kiang-si. According to the Memorial in question, recruiting also was going on constantly, both for the army and the navy; native gun-boats of improved construction and more powerful armament, "fit for any kind of work", were in course of construction for the inland waters; the naval stations were being strengthened, and the garrisons of the encampments proposed to be increased.

² "The Cycle", a weekly journal,—the reputed organ of the Inspector-General of Chinese Maritime Customs, Mr. Hart, and published, it is supposed, at the expense of the Customs' Revenue, states on the contrary: "So far as we can make out, the dastardly murder of the Viceroy bore no political complexion whatever. It was one of those events which occur with lamentable frequency in all large populations". ("The Cycle" for September 3, 1870.) The confession, which the assassin was reported to have made, to the effect that the crime was committed from motives of private revenge, has not satisfied the Emperor, who rejects it as simply absurd. There hangs a mystery about that "atrocious affair", which the Chinese Government consider of so much importance to be kept secret, that they have ordered the *President of the Board of Punishments* to proceed to Nanking, to inquire into it, together with the Governor-General of the two Kiang, Tséng Kuo-Fan, previously to the execution of the murderer. (The Peking Gazette for December 24, 1870).

In reference to the Tientsin Massacre, for which it pleads in many ways of its own, "the Cycle" (for July 23, 1870) remarks: "Our demand is therefore for punishment—punishment of the most marked character, such punishment as will make the ears of all who hear of it to tingle; but—previous trial and investigation. If it should take twenty years to ferret out the guilty, that twenty years

previously, from the North. No torture could wring from his fortitude so much as a clue to the name or position of him, or those, who had instigated the crime. What appears certain is, that they or he should be sought among the very highest personages of the Empire. To doubt the connection of the assassination with Ma's public conduct relative to, and the consequent failure of, the plot of the Twenty-first of June, would be simply irrational. Even "the Peking Gazette" marvels at the audacity, which prompted the assassination of a Governor-General, and remarks that, as the only parallel case known in Chinese history, "during the reign of the T'ang (about a thousand years ago) a great official was assassinated under similar circumstances, but from that time to this no such atrocity has been again committed".²

195. In Tientsin the agitation was conducted by the Chih-fu, the Chih-s'ien, and the guilds in exactly the same manner, and according to the same method, which had been adopted by the magistrates of Nanking. The popular excitement against foreigners, created by the placards, offering high rewards for the apprehension

will be well spent, if it assures us that no one implicated in the crime will escape. No less satisfactory ought it to be if the more tedious the investigation the less should be the chance of punishment falling on the innocent. 'The mills of the Lord'—"the Cycle", like a certain personage of more wide-spread repute, is occasionally not above quoting Scripture,—'grind slowly, but they grind exceedingly small'. *Let us drag the truth from the bowels of the Earth*, but—let us be at least certain that we have got hold of it". Before Mr. Hart's reputed organ fell into this hyperbolic paroxysm of ludicrous judicial savagery, so happily tempered by a more ludicrous display of assumed scrupulosity of conscience, as to consign the prospective "tingling" effects of the former to—the Greek Kalends, it had, on July 2, in a leading article superscribed: "The News from the North", made its first announcement of the Tientsin massacre in language of cynicism, hardly ever surpassed. In order, however, that the reader may judge for himself of the article, we reprint it in the appendix. The writer's chief object is to show, that "it is absolute injustice to charge the Peking Cabinet, the Tsung-li Yamén or any department of the Government with the commission of acts so much more foolish", in his opinion, "even than they are wicked",—a very remarkable attempt at justification, inasmuch as at the time *no such charge had been made*—; and that "the memorable uproar that arose in Ephesus when the silver shrine makers heard for the first time [*sic*] the preachers of a faith which did not need such gew-gaws", being "a type of all religious tumults in idolatrous cities", it was the type also of the Tientsin massacre, which he, consequently, fastens upon "the outcasts of the people,...the lazy, bigotted priests—": because, "on a calm view of *this recent transaction at Tientsin*, we [*"the Cycle"*] find that *the matter* arose, as far as we can learn, from the superstitious terrors of the mob, or rather perhaps, to speak more correctly, from the inherent prejudices of the

of kidnappers, had already on the 12th of June reached a sufficient degree of intensity to awaken alarm among the native Christians, which soon communicated itself to the English and American missionaries. In another day or two native children began to be taken away from the missionary schools. On the 16th two men were accused of kidnapping, and there and then executed by an order, granted, at the instance of the Chih-fu, by the Chih-s'ien; the same as at Nanking, contrary to the laws of China, and for the purpose partly of infuriating the people, *partly to impress on them, by an example set by their magistrates, that, since foreign kidnappers were not within the jurisdiction of the latter, they—the people—would be fully justified to take the law against those outer criminals into their own hands.* With the same view the Chih-fu issued, immediately afterwards, another most inflammatory proclamation, of which the following is a published translation:—

mob inflamed by a suggestion supplied by superstition". The theory is not very clear; but the denunciation of its wildly-imagined instruments supplies the deficiency. "The yellow-gowned shavelings", the writer goes on to say, "are really the scum of China. No more ignorant or degraded human beings exist than the monks who repeat the thousand names of Buddha, and strike brass drums and burn scented paper in the temples that crown nearly every green hill. The lives of these men are so inert and vacant of any worthy aims or reasonable occupation that it would be a standing miracle if they kept from sinking into an intellectual stupor". Alas, for the Cyclist! he is ignorant of so much as a distinction between Lamaism and Buddhism. Yet, when he adds, in reference to the entire priesthood of China: "so rarely is an idea implanted in their minds that *when it is sown there, it quickly absorbs their whole being*",—we really cannot help calling the attention of our propagandistic societies, whether political or religious, to the subject; at the same time recommending them to communicate, as to the best method of sowing or any other particulars regarding the quickly absorbing process, they may desire, with the Editor of "the Cycle" direct.

The following number of that journal for July 9, 1870, has "On the Tientsin Tragedy" a second leading article, the object of which is to teach from the "ghastly incidents" of that tragedy, "how powerless is *any* government organisation to check the excesses of a mob lashed into frenzy by the consideration of wrongs *no matter how slight and insufficient the evidence of the wrongs may be*". To write "dispassionately" upon such topics, the author, being a foreigner, finds difficult. But *his* passion, considering that even "*the most phlegmatic writers in Europe and America are lashed into fury by tales of violence and wrong perpetrated by trades unionists and others whose deeds blacken European character*", turns from "the transaction at Tientsin" homewards, and vents itself in a complementary leading article on "Trades Unions". He strives hard to drown public indignation at the horrors committed in Tientsin in 1870, by "the storm of public indignation excited by the outrages at Sheffield and Manchester in 1866", apparently quite unconscious of the utter illogic and revolting immorality of his argument. At the same time, finding that "the priests, however

“A PROCLAMATION BY CHANG, PREFECT OF TIENSIN, IN MATTER OF
SEARCH AND ARREST.

Whereas, on the 8th of the 5th moon, Chang-yung-an of the Yung-fung garrison, deposed that he had caught two persons called Chang swan and Kuo-kwai, of Li-ta-yang, kidnapping children belonging to the district of Ching-hai, by means of drugs and magic; and whereas the two scoundrels, during their examination, confessed to having employed drugs and incantations to kidnap children, they have, by our orders, already suffered the extreme penalty of the law. From reports which had previously reached us, it appeared that these vagabond wretches, together with others of the same class, were commissioned¹ to kidnap children in all directions, for the purpose of extracting their brains, eyes and hearts to compound drugs—mutilation of the most barbarous kind! How, but by their immediate decapitation, could the neighbourhood be pacified, or the majesty of law be upheld?

The Chih-sien has also issued a proclamation, notifying that the police had received orders to make a general search for the kidnappers. But the city and suburbs of Tientsin have such a dense population, and cover such a large space, that it is feared the kidnappers may evade search, and make their way here, and concealing themselves in some secret spot, watch their

ignorant and contemptible, yet form a great and consolidated power”, and were not in this instance “the (actual) tools of violence”, he has still to find those tools, and discovers them chiefly in “a certain number of professional roughs and brothel bullies”, besides “many (of the millions of the people, who) have actually suffered by the transference to steamers of the carrying trade; and such people even if they ever heard of the principles which in the view of such facts ought to render them content, would never be influenced by them”: so that “here then we have instruments sufficient for any bloody work whereof foreigners should be the victims”.

But we have devoted already too much space to a periodical, which would deserve no notice, were it not supposed to be the recognised organ of the confidential adviser of the Tsung-li Yamén. In its issue for December 31, 1870, the Editor writes: “We dare say, we have blundered. Indeed we know that we have, but we possess the grim consolation that none of our blunders have been found out”. Has it never occurred to the Editor, that the reason why the political articles of “the Cycle”, and, on their account, “the Cycle” itself, are so completely ignored by his contemporaries, is a very different one from what he would seem to imagine, or have his readers believe? It is, if we err not, public indignation, mixed with contempt.

¹ The phrase is 受人囑託, as appears from a note—we are not in possession of the original text—by the Rev. C. A. Stanley of Tientsin, who renders it simply “commissioned”, but observes: “The phrase ‘commissioned by persons’ is exceedingly objectionable, and unbecoming an official in its indefiniteness. *The people at once said he referred to the Catholics.* He could hardly have put it more ingeniously, considering the state of feeling among the people, in order to excite the populace”. We confess, we can see nothing particularly objectionable in the phrase: “commissioned by (other) persons”; but the fact is, that the objectionable element, which at once made the people of Tientsin refer the expression, not to the Catholics, but to foreigners, has escaped Mr. Stanley. It consists in the character 囑 in connection with 人 and 託, because 囑 applied to 國 signifies “a dependant or foreign State”, and to 人 “a foreigner”; 囑 properly “to order a person as a dependant”,

opportunity to catch unsuspecting children. Only by vigilance, search and prompt arrest, can we hope to rid ourselves of these malevolent, cruel (demons), and restore peace to this locality.

Beside selecting constables of known ability,¹ to use their utmost endeavours to apprehend the kidnapper, we issue this proclamation for the information of the public."

This proclamation, in consequence of which the native schools and the shops in the vicinity of the French Cathedral were immediately closed, being well understood by the people, induced them, by a deputation, to present to the Chih-fu or Prefect of Tientsin a testimonial of their approval and sympathy, in the shape of a complimentary umbrella, 萬名傘, literally "an umbrella of ten-thousand names", and a tablet bearing the inscription: 萬家生佛, "a buddha sprung from ten-thousand families". Presents were offered also to the Chih-s'ien; who, however, is said to have declined them with the remark, that he had only performed his duty, and the executions in question were but the prelude to a much graver affair, which he was then pursuing; or words to the same effect. To this end another kidnapper was found, on the following day, willing to confess that he had been commissioned to kidnap by a native named Wang-San, in the employ of the French missionaries, and who had supplied him with money and the requisite drugs. On the strength of this statement, which proved itself to be a pure invention, the Chinese Magistrates, headed by the Tau-tai, visited, and examined, the Cathedral on the 19th, and again between 9½ and 10 o'clock on the morning of the fatal 21st of June; thus conveying to the immense crowd, who followed them, the impression that there existed but too much ground for their repeated investigations,—an impression which, if they said nothing to confirm, they certainly said nothing to dispel, on leaving the Consulate, which immediately adjoined the Cathedral,—and returning, on their way to the Yamên of Chung-'Ho,—whom they had visited also on the previous evening,—through the midst of an excited multitude. Under the peculiar circumstances of the case, their silence, in fact, could bear but one

but with 人 it may also be construed: "a dependant=a foreigner, ordering"; 託, a commission. Hence, the Chinese could not fail to read the sentence, as the Chih-fu intended that it should be read: "(the kidnappers) were commissioned by foreigners", more literally: "had received the commission (to kidnap) from foreign men ordering".

interpretation, and amounted, of itself, to a participation in the ensuing massacre.

196. Meanwhile, H. M. Consul at Tientsin, Mr. W. H. Lay, with whom and at whose advice the Rev. Jon. Lees had, on June 17, lodged a complaint against the proclamation of the Chih-fu communicated above, felt called upon, on the following day, to officially draw the attention of Chung-'Ho to the already then alarming state of affairs. On the 20th he again wrote, more urgently, requesting His Excellency's interference; and to the same end once more, on the morning of the 21st of June, when the crowds were actually assembling to commence their work of destruction. To none of these communications did H. M. Consul receive an answer from the Chief Superintendent of Trade for the Three Northern Ports. The French Consul M. Fontanier, also, applied repeatedly for protection to the same High Official; and to no better purpose. Yet, Chung-'Ho was fully cognizant of the projected massacre, and the preparatory measures, taken by the Chih-fu, the Chih-s'ien, and the *literati* to carry them into effect. He knew, that the execution of the plot had been confided, not to the mob,—who had been excited only to serve as a *cloak, intended to hide the official crime from the sight of foreigners, and to lend to it the deceptive character of a popular riot*—, but to two well-organized bodies, the fire-guilds and the volunteers, both under the leadership of *literati*, whose names are duly enrolled in the Court of the city magistrate; that they were to be kept in countenance and assisted by the soldiery and a number of braves under the direction of Chên Kuo-S'úe, 陳國瑞; that arms had been illicitly manufactured for their use; and that they had been summoned to attend, even from a distance of several miles around, on the morning of the Summer-Solstice, to hold themselves in readiness at the appointed favorable hour (190). And scarcely had that hour—午, from 11 o'clock a. m. to 1 o'clock p. m.—struck, when the fire-gongs were heard to resound,² *the signal being given*,

¹ This sentence would almost seem to imply, that the leaders of the riot had been appointed by the Prefect of Tientsin.

² "He (Yü Chü Li, a native preacher) heard the gongs sound about [soon after] 11 o'clock, and seeing some excitement in the street, started back to his own chapel."

according to the testimony of a native eye-witness, by a person, who came out of Chung-'Ho's Yamén,¹ where also the Chih-fu and Chih-s'ien had met at the time. Promptly were those sounds responded to. The fire-guilds and the volunteers, armed, not with buckets, but with spears, lances, swords, and hatchets, assembled and hurried to the scene of action. At noon a large multitude, swelled by a clamorous mob, was beleaguering the French Consulate and the Cathedral. The first act of violence committed, was the arrest of Wang-san, who was put to the torture and, no confession having been wrung from him, dragged through the streets and thrown into prison; the gate-keeper of the Consulate and other native Christians being treated in a similar manner; while bricks and stones began to be thrown into the building. At this juncture,—about one o'clock p. m.—the Consul, M. Fontanier, who, in reply to his applications to Chung'Ho had only received empty verbal assurances to the effect that no danger was to be apprehended, determined to go in person to the Yamén of the Imperial Commissioner to demand protection for the subjects and property of France against the threatening peril. Accompanied by the Chancellor of the Consulate, M. Simon, both in their official uniform and armed, sallied forth through the menacing crowd, and reached the Yamén of Chung-'Ho, though under insult yet, in safety. Immediately, however, after their departure, the attack upon the Consulate, the Cathedral, and the Mission-house of the Lazarists commenced. At the Consulate were staying, at the time, two guests of M. Fontanier,—M. Thomassin, Attaché to the French Legation in Peking, and his young bride, who had arrived only on the previous day en route for the Northern Capital. The latter was slain, by a sword-cut across the back of her neck; the former, who is reported to have sold his life dearly, by numerous sword-cuts and spear-thrusts. In the Cathedral, the Abbé Chévrier fell, a victim to the fury of the assailants, at the foot

Evidence given to the Rev. C. A. Stanley by Chinese converts. (A Re-print of Letters regarding the Tientsin Massacre from the 'North-China Daily News' No. ii, Shanghai, 1870, 8vo., p. 38.) We have found this statement confirmed by the result of our own inquiries.

¹ "Another (native) witness states, that he saw the first gong struck. It was a brass-basin, and the man who struck it, came out of Chung's Yamén". (The Tientsin

of the altar, his skull being cloven in several places, his tongue and eyes torn out, and his chest and abdomen laid open; while the native Christians, attached to the sacred building, were dragged forth into the street, tortured, and sent to prison: upon which the crowd set fire to both the Cathedral and the Consulate.² At about the same time, M. de Chalmaison, a French gentleman, who resided at some distance, was killed in his house; his eyes being scooped out, the left side of his face cut away, and his body almost hacked to pieces. Madame de Chalmaison escaped on horseback, and fled to the house of a native Christian, where she remained till night, when, disguised in a Chinese dress, she ventured on returning to the pillaged house, was discovered in the streets by the soldiery, and ruthlessly butchered.

197. While these public crimes were being enacted at, and in the vicinity of, the French Establishments in Tientsin, M. Fontanier, ignorant of what had taken place, endeavoured, at the Yamén of Chung-'Ho, to induce that high functionary to order out a military force for the protection of the Consulate and the dispersion of the rioters, in accordance with Article xxxvi of the French Treaty of Tientsin (201). In vain. Chung-'Ho had, even for the consummate hypocrite that he is, a somewhat difficult part to play. On the one hand, he had to give his entire support to the undertaking; on the other, to avoid even the semblance of doing so. His great anxiety was, next to the success of the plot, by no direct act of his to compromise either the Central Government, or his own position as the reputed friend of foreigners. So, he kept up the appearance of making altogether light of the disturbance, smilingly assuring M. Fontanier, while—we need hardly say—accurately informed of every stage of the tragedy in course of progress, that there was no danger whatever to apprehend; and, on the latter rising to leave in disgust and anger, conducted him, in order to deliver him up to

Massacre, being documents published in the 'Shanghai Evening Courier', 2nd ed., Shanghai, 1870, 8vo., p. 17).

² A Chinese witness states: "As much straw as could be got was piled up in the Cathedral, a number of Chinese servants to the French and converts were put into it, and fire was set to the building. Next the Consulate was burned down".

certain death, to the door of the Yamén. Here, the French Consul was finally dismissed by Chung-Ho, with the exclamation: 去罷, "Begone!" and received a spear-wound from one of his soldiers. He and M. Simon were followed by the Chih-s'ien and another mandarin, the former exciting the crowd against them by the cry of: "Down upon them! Down upon them!" Consequently, after they had proceeded some distance on their way back to the Consulate, M. Simon was unawares felled to the ground by a sword-cut, and brutally murdered; whereupon M. Fontanier turned round upon the Chih-s'ien, fired his revolver at him, but missed his aim, and, immediately afterwards, was himself cut to pieces; the bodies of both being partially stripped and thrown into the river. This took place at about 2 o'clock p.m. Nearly at the same time, Mr. Protopopoff, a Russian gentleman, and his youthful bride, to whom he had been married for three or four days only, were returning, accompanied by another Russian, Mr. Bazoff, from a visit in the Chinese city, to the Foreign Settlement. They also were attacked, under cries of: "here are foreigners! kill the foreign devils!"; their protestations that they were not French, being unheeded. A native eye-witness certifies, that "he saw the rioters seize a foreign lady and strike her with their swords; two foreign gentlemen attempted to rescue her, but they were immediately cut down and, to all appearance, instantly killed: the lady was then subjected to brutal indignities; she was stripped of her clothing, her person was mutilated, some of her fingers were cut off for the sake of the rings she wore, and other barbarities perpetrated".¹ The bodies of the Russians, too, were half-naked thrown into the river; and, like those of M. Fontanier and M. Simon, subsequently recovered.

198. After the destruction of the French Consulate and Cathedral had been completed, the rioters proceeded, under the noise of gongs and fire-bells, to the Convent of the Sisters of Mercy, situated on the opposite side of the river, and in greater proximity to the Foreign Settlement; a portion crossing directly by the double

¹ The Tientsin Massacre, being documents published in the Shanghai Evening Courier, with an introductory narrative. Shanghai, 2nd ed., 1870, 8vo., p. 50.

² According to the information, furnished to the Rev. C. A. Stanley, the words

ferry, and destroying on their way the Mission-house of the Jesuits, while the main body took a somewhat circuitous road by the bridge of boats, which connects the two banks of the Pei-ho between the Consulate and Chung-'Ho's Yamên, situated higher up. The bridge being found opened, it was closed by the order of Chên Kuo-S'ûe, who, towards the commencement of the attack, had left his boat, in which he had arrived a few days previously from a visit to Tsêng Kuo-Fan at Paú-ting-fu, gone to a Chinese inn, and from thence, alone and on horseback, proceeded to join, and place himself at the head of, the rioters. "Forward!"—he was now heard to incite a body of men already savage with carnage,—“I am with you, my Tientsin braves. Let us finish the work, and burn every foreign establishment,—burn them, burn them!” or words to that effect. ² The first act of the rioters here was to beat the native gate-keeper of the Sisters, an old man, and to drag him through the street into the river, out of which he was taken to the Yamên, and in irons sent to prison. Of the female native attendants, one at least, supposed to have been a teacher, was flung into the river, and left to perish. An assistant in the pharmacy, a middle-aged widow, was led to the Yamên of the Chih-s'ien, and, after being cruelly beaten, thrown into a dungeon. Five younger women, between eighteen and twenty-two years of age, were consigned to another place, and a more dreadful fate. An English medical gentleman, who had a subsequent opportunity of visiting some of the prisoners, thus describes their condition :—

“At the request of the French Minister four Roman Catholic converts have been removed from the Yamên to the foreign settlement. One is an old man over 60 years. They have all been more or less tortured in various ways, and present a perfectly horrible appearance; their bodies fearfully emaciated and covered with gangrenous sores, filled with maggots. One man has been placed on a rack, and all his joints cracked. Another has been beaten so severely on the hands and feet that the tendons are exposed.”

“There are still in the Yamên three men and six women (converts), but these are in such a wretched state that the authorities dare not move them. One of these women has had needles driven underneath her finger nails, and

used by Chên Kuo-S'ûe, were: 好小子過去燒罷, “Forward, my boys, burn away, and make an end of it”. No doubt, he repeated the injunction, and varied his expressions.

her body sprinkled over with drops of boiling oil. Another, a young girl aged 16 years, has had all her fingers chopped off by small pieces."

"It is reported that they have suffered other indignities, too horrible for publication."¹

As for the poor Sisters of Charity,—of whose number, besides the Prioress, Sister Elizabeth, four were French; one, Sister Louise (an Irish lady, Miss Sullivan), English; two Belgian; and two Italian;—it would be impossible to convey to any European, who has never witnessed scenes of Chinese cruelty and brutality, an idea of the sufferings, which those helpless, innocent women must have been made to undergo. After they had been seized, and dragged from the sanctuary, where, we may presume, they had prostrated themselves in prayer, into a small open space at the entrance to the Convent, the Prioress was fastened, with outstretched hands and feet, to the wall, and cut in two, through the entire length of her body, in the sight of her companions... Let us cast a veil over what followed. Suffice it to say, that the Sisters had finally their chests ripped open, their breasts cut off, their eyes dug out, and that they were literally hewn to pieces; their bleeding limbs being carried about, as trophies, on the points of spears. Some of these trophies found their way into the Yamén of the Chih-s'ien, who, according to the evidence collected by M. de Rochechouart, appeared to enjoy the revolting spectacle,² and to listen with satisfaction to the recital of violation, torture, and mutilation, on which the soldiery were glorifying themselves. What thus remained of the bodies of the Sisters was, in two heaps, cast into the burning flames of the Convent, set on fire during the progress of the butchery,³ and causing the death by suffocation of between thirty and forty of the Chinese children, under the care of the establishment, who had sought refuge in the vaults of the building.

¹ A Re-print of Letters regarding the Tientsin Massacre. From the 'North-China Daily News'. No. ii. Shanghai, 1870, 8vo., p. 37.

² Under the eyes of the Chih-s'ien, a satellite of his struck with the hand of a mutilated Sister the cheek of one of the children, who had been sent from the Hospital to the Yamén, about one hundred and eighty in number, with the remark: "there's a box on the ear from your aunt, little one";—the Magistrate looking on approvingly.

³ The Correspondent of "the Shanghai Evening Courier" wrote to that journal, under date of June 26th: "This morning six coffins were sent down from the city, the contents of two of which on examination proved to be the bodies of Mr. and Mrs. Chalmers. Of the remaining four, two contained bodies half burned, one of which

199. Simultaneously with the enactment of the more horrible deeds, related in the preceding articles (196—198), the destruction of all the minor Christian chapels in the city and suburbs of Tientsin was going on. Several Roman-Catholic and eight Protestant places of worship of various denominations, both English and American, were finally pillaged and either wholly or in part demolished. They happened to be all closed at the time. Some of the native door-keepers fled; others were sent to the Yaméns. Thus, no lives were in these instances sacrificed. But, supposing that priests, whether English or American, had been officiating in, or converts of Sisters of Charity, whether American or English, had been attached to, those chapels: could we possibly persuade ourselves, that they would not have shared the fate of the French Sisters and the French priests? Or that Sister Louise, if she had pleaded that she was not French but English, would have been spared? Diligent search was made for both the English and American missionaries before their chapels were destroyed, and their native converts were "beaten, robbed, driven from their homes, and dragged before the magistrates". None of the former were killed, simply because they were not to be found. Yet, the plot, very much misunderstood as to its character, is usually considered to have been "aimed solely at the French". Such was not the case. It was indubitably directed *against foreigners generally*: though its burden fell chiefly upon missionaries, as the only class against whom the Chinese *litterati* and officials had found it practicable to arouse, with some apparent show of justice, the passions of the people; and upon Frenchmen, as the particular objects of aversion to one of the supposed promoters of the massacre. This accounts, on the one hand, for the murder of the Russians, residents of the Foreign Settlement,—who might have

had evidently been in the water and had apparently been partially eaten; the second was in much the same horrible state; the other two were burnt to cinder, in one only the skull and a few bones remaining. I forced myself to look upon these remains, and hope I may never see such another sight. Whether the four were those of Sisters or of Chinese, it is impossible to say. The Chinese, who brought them, asserted them to be Sisters; they lay close to the gates, first one, then two, then one. There were also Chinese bodies there, which they had instructions not to touch; but there were no other foreign bodies. June 27th: Word has been sent down to the effect, that no more foreign bodies are to be found; thus five Sisters are still missing, allowing the four coffins sent to have contained the remains of four of them".

had a better chance of escape, had they explained, not that they were not French, but that they were *merchants*—; and, on the other hand, for the preservation of two (Swiss, but reputed) French merchants, the Messrs. Borel, resident in the Chinese town, whose lives were threatened, but spared at the intercession of interested natives: while, probably for a similar reason or by some happy accident, the establishments of some German and Russian firms, in the same vicinity, were not even molested; the inmates keeping in quiet concealment, some until about 3½ o'clock in the morning of the 22nd, when the streets were empty, and they reached the Foreign Settlement in safety,¹ others until the following² and next-following day,³ when they left under escorts, sent to their relief by Chung-'Ho. At the same time, it is a notorious fact that, after the destruction of the Convent of the Sisters and the minor chapels had been completed, a band of braves, and other armed men were marching to the attack of "the Red Bamboo Grove" 紫竹林,—the Chinese name for the locality of the Foreign Settlement at Tientsin—; but that they were arrested in their course, by order, as is reported on credible native authority, of the Commissioner of Trade for the Three Northern Ports. Their quarrel, the rioters were told, was with the French only; and as this is in perfect accordance with the proclamations of Chung-'Ho and the Chih-s'ien, issued immediately after the massacre, the truth of the report appears hardly subject to a doubt. What, then, could have induced so sudden a change of action on Chung-'Ho's part? In all probability it was, that he had just at that critical moment received information of the course pursued, or intended to be pursued, by Ma; *i. e.* he had learned that the Plot of the Twenty-first of June, as such, had proved a failure: and as, no doubt, to judge from the extreme caution observed by him from the commencement, he had contemplated beforehand the possibility of such an issue, and was prepared at once to adapt his policy to circumstances, he did so with equal skill and promptitude.

200. Viewing the Tientsin Massacre in the light of an isolated

¹ These gentlemen were: Mr. Aug. C. Cordes, and Mr. L. Parizot, of the firm of Spahn and Cordes; and Mr. F. Cox, an English merchant.

² They were: Mr. E. Borel; Mr. L. Borel; and a Russian merchant, with whose name we are not acquainted.

historical event, its ostensible cause was the presence of Christian missionaries, and their activity, in that "far-away" Chinese city. Now, we candidly confess, that we have but little sympathy with religious propagandism, as it is commonly understood and practised, in any shape or form; none whatsoever with the propagandism of the French priesthood in China, because, among other reasons, they assume a position both *vis-à-vis* of the Chinese Government and in relation to their native flocks, which is irreconcilable with the Imperial authority; and even as regards the charitable mission of Sisters of Mercy, we are of opinion that the devotion of these good women might *at home* have found a sphere in every sense more appropriate, than in the midst of a heathen and semi-barbarous people. Not all, it is true, hold the same views. At the funeral-service, celebrated in honor of the victims on August 3, 1870, the French Chargé d'Affaires, M. de Rochechouart, in lauding "the sublime conduct of Sister Elizabeth", remarks: "une foule immense, hideuse, sanglante, qui a déjà entouré le couvent, enfonce les portes, et se prépare à assouvir sa haine. Cette sainte femme s'avance alors au devant de ces hommes: 'Vous voulez tuer des Européennes', dit-elle, 'nous sommes dix; mes compagnes sont dans la chapelle, prêtes comme moi au sacrifice; allez, mais épargnez les Chinois, qui nous entourent'. C'est bien ainsi que devaient mourir ces femmes dont la charité, le dévouement, et la piété sont connus de tous". And the abbé Thierry, provicar of the Lazarists at Peking, observed in reference to the massacre of the Sisters of Mercy: "Pour nous, leur mort ne saurait être un sujet de peine. Elles et nos regrettés confrères ont été recueillir dans le ciel ce qu'ils avaient semé sur la terre; pour eux la mort est un gain. Venus en Chine avec l'espérance du martyr, ils ont obtenu l'accomplissement de leur plus cher désir, donner leur vie pour le Christ... Pour les nôtres pas de pleurs, pas de vengeance". These are significant words,—the more significant, as we cannot well doubt their truth. But if indeed, then, the French priests and sisters come to China *in the hope of*

³ The party consisted of Mr. Oscar Stammann, and Mr. E. Meyer, of the firm of Stammann and Co.; Mrs. Stammann, who, throughout these trying days, displayed a feminine heroism rarely put to a severer test; their only child, a boy of tender age; and a European maid-servant.

martyrdom, and regard such a martyrdom as the accomplishment of their fondest desire; if, in the face of "horrors, too horrible to relate", a number of defenceless women, forgetful of their very womanhood, and instead of throwing themselves for protection upon God and praying: "Father, if it be Thine pleasure, remove this cup from us: nevertheless not our will, but Thine be done", boldly *offer themselves for sacrifice*:—they betray therein a spirit as opposed to that of Christianity, as darkness is to light; a misguided zeal recognizing no bounds and capable of any extremes; a fanaticism, sure to produce, and involve France in, troubles, and which would, in our judgment, fully justify the French Government, taking the abbé Thierry at his word, to withdraw its protection from the "propagandistic institutions of the Romish Church in China altogether. Yet, even the British Representative in Peking, Mr. Wade, who attended the funeral-service, caught up that fanaticism, though in a somewhat coldly-egotistical and calculating manner, with the view of turning its deplorable issue to diplomatic account. In particular reference to "the fate of the unfortunate Sisters of Charity", he is reported to have spoken thus:—"One of these was his countrywoman. He had seen her but a few months past in Peking, engaged in her charitable work. It was indeed fearful to think that women, whose lives were thus devoted to the best of good works, should have fallen victims to brutal ignorance. They had been happily reminded by the abbé Thierry, that to the Sisters at least, to die as they had died, was gain. It was his humble conviction, that no one who succumbed in the honest discharge of duty would be without a reward. Beyond the necessary punishment of offenders, he would not speak of vengeance. He would but add, that he believed and trusted, as he could not doubt did every Christian present, that out of this great calamity great good would be produced".¹ It might almost be deemed a matter of regret, that those, who consider it a gain to die as the Sisters died, should be losers therein by surviving; and we hardly know, whether more to pity the poor Sisters because of their fearful death invited by the Prioress, or because of the sickly

¹ A Reprint of Letters regarding the Tientsin Massacre from the 'North-China Daily News'. No. ii. Shanghai, 1870, 8vo., p. 10.

funeral orations pronounced over their remains by the Representatives of France and Great Britain. The former concluded his harangue, as though he had been one of the Lazarist fathers, in the following words:—"En présence de ces tombes encore ouvertes, renfermant des amis, des collègues, hier pleins d'avenir et de santé et dont quelques uns n'avaient encore connu que les roses de la vie, je sens l'émotion me gagner et les sanglots étouffer ma voix. Adieu donc mes amis, vous nous avez donné de beaux exemples à suivre dans l'accomplissement de nos devoirs. Pussions-nous comme vous mourir sans faiblesse, entourés de regrets et de respects". It is perfectly refreshing to turn from these perfumed, lachrymose, and sobbing sentences to the frank, manly, and forcible speech of the French Admiral Dupré, who said:—

MESSIEURS,—Si affligeante que soit la triste cérémonie qui nous réunit autour de tous ces cercueils, je me félicite de pouvoir y assister, et de pouvoir exprimer hautement, sur le théâtre même du massacre, toute ma sympathie pour ceux qui en ont été les innocentes victimes, toute ma profonde horreur et pour les brutes sanguinaires qui ont été les instruments, et surtout pour les misérables qui en ont été les lâches instigateurs.

Ces sentiments sont partagés par nos braves camarades, les marins de la Grande Bretagne et de l'Union Américaine, que je remercie d'avoir bien voulu s'associer à cette manifestation de nos douloureux regrets, de notre violente indignation. Ils seront partagés, nous n'en doutons pas, par tout l'univers chrétien et civilisé.

Les restes de ces malheureuses victimes du devoir et de la Charité demandent encore justice, Messieurs.

L'empressement du Gouvernement Chinois à leur rendre les suprêmes honneurs doit nous faire espérer, il est vrai, que docile aux conseils de la raison et de la justice, il se hâtera de châtier les principaux auteurs et instruments de ce crime sans exemple, et de donner par sa ferme décision des garanties devenues indispensables à toutes les communautés étrangères sans distinction.

Je me refuse à croire qu'il soit assez mal inspiré ou conseillé pour refuser de châtier ceux qui, devant Dieu et devant les hommes, sont responsables du sang versé, qu'il se rejette violemment en dehors des voies dans lesquelles il était entré, qu'il recule devant la barbarie, et que de gaîté de cœur, il appelle vers ses nombreux sujets innocents du crime, les armes étrangères qui lui ont déjà été si fatales.

Mais, je puis vous affirmer que si, ce qu'à Dieu ne plaise, ce terrible devoir de châtier nous était imposé par la France, frémissante à l'image d'un de ses Consuls massacré, de ses prêtres massacrés, de ses saintes filles, de toutes ces femmes sans défense lâchement massacrées, nous saurions, mes compagnons et moi, l'accomplir, sans cruauté j'espère, mais avec toute l'énergie, toute la rigueur qu'exigerait l'impunité d'un aussi épouvantable attentat.

We, for one, fully concur with the gallant Admiral both in his sentiments for the victims, and in the view taken by him of the Tientsin massacre itself, even as regarded in the light of an isolated historical event.

201. The port of Tientsin, 天津, was by the Chinese Government, in 1860, added to the number of Chinese ports open to Foreign Commerce, and placed in every respect on the same footing with the ports, named in the various Treaties, previously concluded between China and Western Powers. Hence, independently of the so-called favored-nation-clause, the provisions of the French Treaty signed at Tientsin on June 27, 1858, apply to it in their full force. Now, that Treaty contains the following articles :—

ARTICLE v.—Sa Majesté l'Empereur des Français pourra nommer des consuls ou des agents consulaires dans les ports de mer ou de rivière de l'empire Chinois, dénommés dans l'Article vi du présent traité, pour servir d'intermédiaire entre les autorités Chinoises et les négociants et les sujets Français, et veiller à la stricte observation des règlements stipulés. Ces fonctionnaires seront traités avec la considération et les égards qui leur sont dûs. Leurs rapports avec les autorités du lieu de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de la dite autorité, ils s'adresseraient directement à l'autorité supérieure de la province, et en donneraient immédiatement avis au ministre plénipotentiaire de l'Empereur.

ARTICLE vii.—Les Français et leurs familles pourront se transporter, s'établir, et se livrer au commerce ou à leur industrie en toute sécurité, et sans entrave d'aucune espèce dans les ports et villes de l'empire Chinois situés sur les côtes maritimes et sur les grands fleuves, dont l'énumération est contenue dans l'article précédent.

ARTICLE x.—Tout Français qui, conformément aux stipulations de l'Article vi du présent traité, arrivera dans l'un des ports ouverts au commerce étranger pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, ou bien affermer des terrains et y bâtir lui-même des maisons et des magasins. Les Français pourront, de la même manière, établir des églises, des hôpitaux, des hospices, des écoles, et des cimetières. Dans ce but l'autorité locale, après s'être concertée avec le consul, désignera les quartiers les plus convenables pour la résidence des Français et les endroits dans lesquels pourront avoir lieu les constructions précitées...

ARTICLE xii.—Les propriétés de toute nature appartenant à des Français dans l'empire Chinois seront considérées par les Chinois comme inviolables, et seront toujours respectées par eux...

ARTICLE xiii.—La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes communions Chrétiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés, et le libre exercice de leurs pratiques religieuses ; et une protection efficace sera

donnée aux missionnaires, qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports réguliers dont il est parlé dans l'Article viii. Aucune entrave ne sera apportée par les autorités de l'empire Chinois au droit, qui est reconnu à tout individu en Chine d'embrasser, s'il le veut, le Christianisme et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait ..

ARTICLE xxxvi.—Si dorénavant des citoyens Français éprouvaient quelque dommage, ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets Chinois, ceux-ci seraient poursuivis par l'autorité locale, qui prendra les mesures nécessaires pour la défense et la protection des Français; à bien plus forte raison, si des malfaiteurs ou quelque partie égarée de la population tentaient de piller, de détruire, ou d'incendier les maisons, les magasins des Français, ou tout autre établissement formé par eux, la même autorité, soit à la réquisition du consul, soit de son propre mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables, et les livrer à toute la sévérité des loix; le tout sans préjudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

Similar provisions are contained in the English, American, and Russian Treaties. However unfavorable an opinion, therefore, we may entertain of the spirit and the tendencies of French religious propagandism in China, we must, in passing judgment upon the Tientsin massacre, divest our mind of any such bias, and solely keep in view the facts of the case in their international-legal bearing. These facts are, on the one hand: the right, by Treaty, of the French Government to appoint a Consul, and other agents, and to erect a Consulate and any other public buildings, such as a Cathedral or any other structure, in Tientsin; the recognition by the Chinese Government of M. Fontanier as the Consular representative of France in that port, and on a footing of relative equality with the local authorities of China; the right, by Treaty, of French, Russian, American, and English subjects generally, to reside, acquire household and other property, and pursue their respective calling, profession, or occupation, in Tientsin; the right, by Treaty, of French, American, and English priests, missionaries, and sisters of charity, in particular, to open in Tientsin churches, chapels, and convents, to pursue their religious or charitable objects, and to perform their religious worship in perfect security to their person and property; the right, by Treaty, of Chinese subjects, to embrace Christianity and to practice its forms of worship without hindrance or penalty; the formal engagement, by Treaty, of the Chinese Government, to

protect and defend French, Russian, American, and English subjects, and their property from all harm on the part of Chinese subjects; in the event of any riot and attempt to pillage or set on fire buildings or establishments, being French, American, or English property, to send, through the local authorities, at once an armed force to disperse the rioters; to have the offenders or criminals arrested; and, independently of proper indemnities to be paid for any damage done, to punish the guilty with all the severity of the law. On the other hand, those facts are: the policy of exciting the Chinese people against foreigners resident in China, proposed to the Chinese Government, in reply to a memorandum of the Privy Council, by one of the highest and most influential mandarins of the Empire, Tsêng Kwo-Fan, then Governor-General of the Two Kiang; the exciting the people of Chih-li (and elsewhere) against foreigners generally, against missionaries especially, by means of incendiary pamphlets and placards, written by Chinese *literati* or officials, the latter paid servants of the Chinese Government, and for the most part gratuitously circulated or posted by their orders, or else with their authority or knowledge; the publicly accusing, in those pamphlets and placards, the foreign missionaries of Tientsin (and elsewhere), in particular the French missionaries, of kidnapping children for horrible and criminal purposes, without one single case of the kind having ever been brought forward in support of such accusations; the posting, about a week before the massacre, of official proclamations by the Tientsin magistrates, offering unprecedentedly high rewards for the apprehension of kidnappers; the immediate execution, a few days later, of two natives, accused of kidnapping, as the agents of foreigners, without a due observance of the forms prescribed by the laws of China, at the instance of the chief magistrate of Tientsin and by order of the second magistrate, both paid servants of the Chinese Government; the posting thereupon of a proclamation by the chief magistrate or prefect of Tientsin, so framed as to invite, and intended to justify, the massacre of foreigners on the ground of kidnapping; the visit of official inquiry, relative to kidnapping, by the Tientsin magistrates, repeated on the morning of the massacre, at the French Cathedral,

and the silence observed by them as to its negative result ; the illegal manufacture of arms in Tientsin for the avowed purpose of an attack upon foreigners, and the posting of placards, appointing the day of the intended attack, nearly a week preceding it with the knowledge of the Tientsin magistrates ; the reiterated official application for protective measures, up to the morning of the massacre, by H. M. Consul Mr. W. H. Lay, to the Imperial Commissioner at Tientsin, his Excellency Chung-Ho, and his taking no notice whatever of Mr. Lay's communications ; the personal and formal application to the same high official by the French Consul M. Fontanier, accompanied by his chancellor M. Simon, when the attack upon the Consulate had actually commenced, for an armed force to disperse the rioters, and to protect the national property of France and the lives of French subjects, in conformity with ART. XXXVI. of the French Treaty of Tientsin, and his Excellency's refusal of the demand ; the succeeding destruction, by fire and demolition, of the French, American, and English chapels and buildings, and the brutal massacre of twenty Europeans,—including thirteen women—subjects of France, Russia, Italy, Belgium, and England, besides a number of native Christians, not by an uncontrolled mob, but by well-known organised bodies of men, under almost military discipline, mingled with Imperialistic soldiery, led by a general officer of the Chinese army, and without any attempt at interference whatsoever on the part of the local authorities of China. On carefully weighing all these various and certain facts, their genetic connection, and perfect consistency with each other : it is, in our judgment, impossible to avoid the conclusion, that the massacre of Tientsin, viewed even as an isolated event, constitutes *prima facie* an enormous public crime, in regard to many of its features without a precedent in history ; suggested to the Central Government, whether intentionally or, as is more probable, unintentionally, by the Governor-General of the Two Kiang, soon afterwards appointed to Chih-li, the very province in which it was enacted ; instigated and fomented, whether on higher authority or not, by the local magistrates, and carried out with the approbation and under the auspices of the Imperial Commissioner resident at the place ;—a crime of a prominently official character,

committed, under the cover of a popular riot, in violation of solemn Treaty engagements entered into by China with Western Powers, and imposing on the Chinese Government the international duty of visiting, with a promptitude and an energy corresponding to the enormity, and the important international bearing, of the crime, its perpetrators, instigators, and abettors, whatever their rank, with the utmost rigour of the Law.

202. Such, however, we need hardly say, was not the course, adopted by the Chinese Government. The Plot of the Summer-Solstice had failed; and the failure had shown the country to be as yet unprepared for a general extermination of foreigners, and a war against the Western world, to uphold the isolating policy of the Cabinet of the day. At Tientsin alone, a great success had been achieved; and its fruits had to be secured. Whilst preparing for every emergency, by increasing the armies, already in course of concentration, at Kua-chow and around Tientsin, the Central Government, after much hesitation, returned to a *temporising* policy, and shaped its course accordingly. It was ably seconded by Chung-Ho, who, as we learn from an Imperial Rescript of the 25th June, immediately memorialised the Throne, (falsely) "stating, that a quarrel had arisen between the people of Tientsin and the (foreign) missionaries, resulting in a fight, and praying that he might deservedly be punished for allowing such a riot within his jurisdiction, and that the conduct of the local magistrates might be strictly investigated with a view to their dismissal from office. The outbreak", he continues his story, "arose partly from a suspicion on the part of the people that the scoundrels, who had been kidnapping children by means of certain drugs, were connected with the missionaries; partly from the conduct of the French Consul Fontanier, who fired off a revolver in Chung-Ho's Yamén and also shot at the Chih-s'ien, which excited the fury of the mob, and led to the Consul's death, as well as to the burning and destruction of the churches". On the day following the massacre, at 10 o'clock a.m., the Imperial Commissioner met the Consular body of Tientsin at the residence of the Commissioner of Customs, to whom he repeated the deliberate untruths, which, somewhat at variance with his official

report, he had already told to Mr. John A. T. Meadows, Foreign Superintendent of the Imperial Arsenal, and Consul for the United States of America, Holland, and Denmark, in Tientsin, as at once reported by the latter to "the North-China Daily News" in the following words:—

After this, about noon, the Consul, accompanied by the Chancellor, proceeded as fast as he could walk to Chung-how's Yamén. At this time the crowd of Chinese, near the Yamén and the Teen-choo-tang and French Consulate, might be computed at six or seven thousand souls. When M. Fontanier and M. Simon had reached the court where it is customary for visitors to be received, Chung-how came out and received them. Immediately on perceiving him, M. Fontanier began to use violent language to him, at the same time pulling out his revolver; Chung-how begged him to subdue his passion, and come with him into the reception hall, he himself leading the way, and I suspect glad to get out of the line of the revolver. M. Fontanier, after speaking to M. Simon a few minutes, followed. In the hall, he acted very violently; and was some time before he would sit down. After hearing some remarks of Chung-how's he rose and demanded that the latter should proceed with him to the Teen-choo-tang, to prevent the Chinese inhabitants injuring that place. To this Chung-how assented, trying first everything in his power to persuade M. Fontanier to remain where he was, to consult regarding measures to quiet the minds of the people; but he would not hear of anything except Chung-how's going at once to the Teen-choo-tang. After the latter had put on some additional official clothes, they proceeded in the direction of the Teen-choo-tang; but long before they reached it they were met by Lew, the district magistrate, who stopped Chung-how to report the state of affairs to him. When M. Fontanier, who was something ahead, perceived Chung-how stopped, he pulled out his revolver and fired two shots at him, missing him and hitting people standing near. M. Simon immediately afterwards fired one shot in the direction of the Magistrate, and hit the Magistrate's servant. The wounded people began yelling out; and the Chinese people, on hearing this, at once rushed on the foreigners and killed them, throwing their bodies into the grand canal, situated five or six yards distant. Chung-how and the Magistrate were dragged by their attendants into the Yamén.

At the meeting between the Consuls and Chung-'Ho, the latter, Mr. Meadows states, (in conformity with the preceding narrative utterly incredible in itself,) "explained at length what took place:—

About this time, or a little later, messengers came down from Chung-how to the Consuls saying that the people had dispersed, and that order was being gradually restored. Now and then afterwards, and during the night, further news came from town of the safety of the other foreigners, and it was then concluded that the Chinese would not molest them. The residents in the British Settlement naturally felt alarmed, on hearing of the destruction of the Roman Catholic Missions and their people; and a meeting was called by H. B. M. Consul Mr. Lay, and held on the Bund and

on board the American steamer *Manchu*, when it was decided that the members of the community should form a guard for the night. As soon as I learnt certainly that the other residents in town had not been attacked, I felt confident the people did not entertain any feelings of animosity towards other foreigners than those connected with the Roman Catholic Missions whom they had already destroyed, and that they would not molest the residents in the British Settlement.

On his return he would further look after the safety of the foreign residents in town". Mr. Meadows omits to mention Chung-'Ho's remarkable offer, to send at once 600 foreign-drilled troops into the Foreign Settlement for its protection,—an offer, politely declined by the Consuls. On the same day the Imperial Commissioner issued an extremely tame proclamation for the purpose of "restoring order", and instructed the Chih-s'ien to promulgate a similar notification. We subjoin published translations of these documents.

PROCLAMATION BY CHUNG-'HO, CONCERNING THE COLLISION WHICH OCCURRED ON THE 23RD INSTANT, BETWEEN THE PEOPLE AND THE FRENCH RELIGIONISTS.

"We have already forwarded a faithful report of the whole disturbance to the Throne, and we now await the expression of the Imperial will.

From the commencement of foreign trade in Tientsin till the present, foreigners and natives have lived on the most amicable terms; and it is most desirable that this feeling should continue to exist, and that all intercourse between Chinese and foreigners, of whatever rank or nationality the latter may be, should be conducted as heretofore in a friendly way. There must be no more trouble. Orders have been given to all the civil and military authorities to seize and severely punish any one calling after or abusing foreigners, or otherwise creating disturbance. Let each one attend to his own calling. All parties assembling together, with a view to disorder, will be immediately seized and decapitated. No mercy will be shown. Tremble and obey.

Tung-chih, 9th year, 5th month, 24th day."

PROCLAMATION BY THE TIENTSIN CHIH-S'IENT.

June 23rd, 1870.

The Chih-s'ien has received the following despatch from the Commissioner of Trade (Chung-'Ho):—

"I have already issued a notice on the subject of the massacre of missionaries and the burning of their churches, perpetrated by the mob on the 21st, in which the people were warned that immediate arrest and execution would overtake all who again attempted in their ignorance and stupidity to molest or loot any of the foreign honghs. We must now redouble our efforts to protect the Consuls and all other foreigners in the various honghs in order to preserve amicable relations. I have therefore to direct the Chih-s'ien to exercise his personal surveillance in protecting the foreign honghs, the Customs, and the Consulates in and about the Tse-Chu-Lin Settlement.

If any malignant ruffians dare continue these disturbances, the Chih-s'ien will immediately arrest and execute them without the least mercy, and he shall be answerable for any disturbances that may further take place through the laxity of his discipline."

Having received this despatch, the Chih-s'ien sent out the police with orders to maintain an unflagging vigilance, and as in duty bound he issues this notice calling upon all classes to follow their proper duties. And they are hereby warned that if any foolish mob again attempts to molest a foreign hong, immediate arrest and execution will be incurred.

The Chih-s'ien will not show the least relaxation in carrying out these instructions. Beware of this special warning.

Nothing could be more "diplomatic", than the line of proceeding adopted by Chung-'Ho. Disconcerted by the action of Ma-S'in-I, and the failure of the Plot of the Twenty-first of June as such; doubtful as to the course which the Imperial Government might resolve upon; feeling himself safe in the knowledge that "dead men can tell no tales", and that M. Contris, whose life he had so prudently saved, had been unable, from his hiding-place in the Yamên, to hear and observe anything; or assuming that he would not venture, under the circumstances, to contradict his positive statements; his Excellency, faithful to the part he had decided on acting from the commencement, represents the Tientsin massacre to the Central Government in the light of a mere street-row; throws the whole responsibility of the regrettable and "not-to-be-forseen" consequences, to which it led, upon M. Fontanier; and, pending the Imperial decision, on the one hand attempts, under a plausible pretext, to obtain military possession of the Foreign Settlement; on the other hand, anticipating the speedy arrival of gun-boats, endeavours to "preserve amicable relations". Until further notice, he instructs the people,—“There must be no more trouble”. It is only after Chung-'Ho had received the Imperial Rescript of June 23, previously alluded to, blaming the conduct of the Tientsin magistrates, and informing him, that Tsêng Kuo-Fan had been appointed, conjointly with himself “to institute a most searching and impartial inquiry, and to settle matters”, that he, still cautiously, goes a step further, and, on June 25, issues the following proclamation:—

Whereas, on the 24th instant, I received an Imperial Edict, decreeing that Tsêng Kuo-Fan, Governor-General of Chih-li, is to come to Tientsin, and to act with me in investigating the occurrences, connected with the

destruction of the churches during the late riot, with the assistance of the Commanding General, the Tau-tai, and all the civil and military officers of the district: I hereby give notice, that permission to disseminate the Roman Catholic and Protestant religion has been granted by treaty to the various foreign nations; and you, as good subjects, should yield fullest obedience to the Imperial will. Henceforth, should any dare to annoy or injure these religionists, or invent stories calculated to create a disturbance, they will be seized and dealt with according to military law, which makes the fabrication of rumours with a view to excite the populace, a capital offence.

Foreigners of whatever rank or nationality, passing along the streets, or their native servants taking letters &c., to and fro, must on no account be interfered with. Those daring to do so will be most severely punished. No mercy will be shown. A special proclamation.

T'ung-chih, 9th year, 5th moon, 27th day.

What could be expected of an inquiry, entrusted to the two highest officials, under whose very auspices, respectively, the popular agitation which led to the massacre, and the great public crime itself which they were ordered to "investigate", had been fomented and perpetrated?

203. Meantime the news of the massacre had reached the Representatives of Foreign Powers in Peking, and on the 24th June they addressed the following collective despatch to Prince Kung as President of the Tsung-li Yamén:—

Pekin, le 24 Juin, 1870.

(Translation.)

MONSEIGNEUR,—C'est avec la plus profonde douleur et indignation que les soussignés, Représentants des Gouvernements étrangers accrédités en Chine, ont appris la nouvelle du crime atroce qui vient d'être commis à Tientsin, à une des portes même de la capitale de l'Empire. Le Consul de France, les Missionnaires et Sœurs de Charité ainsi que les nationaux Français résidant à Tientsin, ont été massacrés et leurs établissements incendiés. D'après les renseignements peu précis il est vrai, qui jusqu'ici sont parvenus à Peking, il est à craindre que la populace fanatisée ne se soit portée à d'autres excès envers les résidents étrangers à Tientsin.

Les soussignés ne doutent point que le Gouvernement de S. M. l'Empereur de la Chine, dans sa haute sagesse, ne partage l'indignation

MONSEIGNEUR,—It is with the deepest pain and indignation that the undersigned Representatives of Foreign Governments accredited to China, have learned the news of the atrocious crime which has been committed at Tientsin, at one of the very gates of the capital of the Empire. The Consul of France, the Missionaries and Sisters of Charity, as well as the French subjects residing at Tientsin have been massacred, and their establishments burned. And according to the information, somewhat indefinite it is true, which as yet has reached Peking, it is to be feared that the fanatical populace may have gone to other excesses against the foreign residents at Tientsin.

The undersigned do not doubt that the Government of the Emperor, in its high wisdom, shares the general

générale ressentie à la suite des atrocités commises, et qu'il n'ait la conscience de la responsabilité grave qui pèse sur lui, ainsi que de son devoir de pendre les mesures indispensables pour empêcher le renouvellement de pareils actes qui, dans le cas où ils se reproduiraient, ne sauraient que sérieusement compromettre la position du Gouvernement Impérial vis-à-vis du monde entier.

Or, les événements de Tientsin prouvent que les étrangers ne sont pas partout suffisamment protégés par les autorités locales en Chine. Il est donc de l'intérêt du Gouvernement Impérial même de démontrer par des actes irrécusables, sa ferme volonté d'assurer, dans toute l'étendue du territoire Chinois, la sûreté des résidents étrangers qui sont confiés à sa loyauté.

Si une pareille catastrophe peut éclater à 80 milles de la capitale de l'Empire, les soussignés ne peuvent s'empêcher de craindre que dans le cas où les coupables ne seraient promptement punis, de nouveaux attentats ne se produisent sur des points plus éloignés de la capitale où l'action de l'autorité centrale est encore moins efficace. Il est donc indispensable que le monde, en apprenant la nouvelle du crime, soit en même temps informé que justice est faite, et qu'il puisse être rassuré sur le sort des citoyens confiés à la protection de la Chine.

Les soussignés saisissent avec empressement cette nouvelle occasion pour offrir à Son Altesse Impériale l'assurance réitérée de leur respectueuse considération.

REHFRUES,

Ministre Plénipotentiaire de Prusse.

F. F. LOW,

Ministre P. des États Unis.

T. KINT DE Roodenbreek,

Ministre P. de Belgique.

T. F. WADE,

Chargé d'Affaires de la Grande Bretagne.

indignation felt at the atrocities committed, and is conscious of the grave responsibility which weighs upon it, as well as of its duty to take those steps which are indispensable to prevent a repetition of such acts which if they occurred again could not fail to seriously compromise the position of the Imperial Government, *vis-à-vis* of the whole world.

The events at Tientsin prove that foreigners are not sufficiently protected by the local authorities in China. It is therefore the interest of the Imperial Government itself to demonstrate by unmistakable acts, its firm determination to insure, through the whole extent of Chinese territory, the safety of the residents confided to its loyalty.

If such a catastrophe can occur eighty miles from the capital of the Empire, the undersigned cannot refrain from apprehending that, unless the guilty are promptly punished, new crimes will be perpetrated at places more distant from the capital, where the action of the central authority is still less efficacious. It is therefore indispensable that the world, in learning the news of the crime, should be informed at the same time that justice has been done, and that it may be under no anxiety as to the lot of its citizens confided to the protection of China.

The undersigned take this opportunity to offer to your Imperial Highness the renewed expression of their respectful consideration.

ADOLFO PATROT,

Ministre P. d'Espagne.

COMTE DE ROCHECHOUART,

Chargé d'Affaires de France.

BUTROW,

Chargé d'Affaires de Russie.

The translation of this document into Chinese was confided to Mr. Wade, who, we have reason to believe, has not altogether in good faith discharged the trust reposed in him, inasmuch as he is known to have modified one or two sentences of the original in a manner, which, had his colleagues been cognizant of it, would, we feel warranted in saying, certainly not have met with their approbation. There occurs but one passage in the despatch itself, in our judgment objectionable, and objectionable in the highest degree. We need hardly point it out. The sentence: "...de pareils actes qui, dans le cas où ils se reproduiraient, ne sauroient que...", should have read: "...de pareils actes, qui ne peuvent que (sérieusement compromettre la position du Gouvernement Impérial vis-à-vis du monde entier)". That it was likewise a positive error, on the part of the Foreign Ministers, to connect the massacre of Tientsin with the *inefficacy* of the Central Government, we shall presently endeavour to show. Independently of this joint protest, the Representative of Belgium, individually, addressed somewhat later to the Tsung-li Yamén a yet stronger remonstrance, which leaves us but to regret that Baron t'Kint van Roodenbeek's powerful arguments had not the support of a corresponding display of military and naval forces.

204. What other answer to their collective despatch could the Foreign Ministers expect from the Tsung-li Yamén, save empty assurances to the effect that "the guilty, whatever their rank, should be punished?" We say *empty* assurances, because the Tsung-li Yamén had no authority whatsoever in the matter, and Prince Kung himself continued absent on extended sick-leave. More satisfactory, to all appearance at least, was the Imperial Rescript of June 25, communicated to the Representatives of Western Powers in Peking by the Commission in question, and of which the following is a published version:—

Chung-Ho has memorialized the Throne, stating that a collision has taken place at Tientsin between the people and the Christian religionists,

¹ The text reads: 乘悞, literally: "on the occasion by mistake."

² The text reads: 情形甚屬可憫. This construction is highly objectionable, as the phrase may be rendered, and is manifestly intended to be understood in

and begging that we adjudge the punishment he has merited, for allowing such a disturbance within his jurisdiction, and that the conduct of the other local officials be strictly investigated (so that the guilty) may be dismissed from office.

The outbreak arose partly from the suspicion which existed in the mind of the people that the scoundrels who have been using drugs to kidnap children are connected with Christian religionists, and partly from the conduct of the French Consul M. Fontanier, who fired off a pistol in Chung-Ho's Yamên, and who shot at the Chih-s'ien, which excited the fury of the mob and led to the Consul's death, and the burning of the churches.

Chung-Ho, as Superintendent of Trade, having failed to maintain peace in his district, the Taotai Chow-chia-hiün, as chief local magistrate not having adopted proper measures of precaution, the Chih-fu, Chang-kwang-tsau, and the Chih-s'ien, Liu-chie, through mismanagement, having brought about so great a catastrophe, are inexcusably culpable, and are to be handed over to the Board of Punishments to be dealt with according to their individual deserts.

Moreover, Tseng Kuo-Fan has been ordered to Tientsin to make a thorough investigation of the whole affair, and report to the Throne; also to search out and punish the scoundrel kidnappers, and the leader of the riot. He has been further instructed in conjunction with Chung-Ho to probe the matter to the very root, and to act with strict impartiality and justice (towards all parties). Respect this.

T'ung-chih, 9th year, 5th moon, 27th day.

A few days later this was followed by another Imperial Rescript, which appeared in the Peking Gazette of June 29, and has been thus translated:—

Lately, in consequence of there having been villains engaged in the practice of kidnapping children at Tientsin, the chapels of the sect got to be drawn in and involved, the people became suspicious, causes of collision arose, the Consul for the French nation was assaulted and killed by the mob, the chapels of the sect were destroyed or burnt, several persons were beaten to death, and some Russian merchants were inadvertently¹ slain.

The whole circumstances of the case² are much to be deplored; and we have already given forth our decree, ordering Chung-Ho, as well as the several local authorities who have mismanaged the matter, to be handed over to the Board, in the first instance, to have the punishments due to them determined upon. We likewise directed Tseng Kuo-Fan to institute a strict inquiry and report the result; as also to cause the kidnapping vagabonds, and the ringleaders in the disturbance, to be rigorously prosecuted and punished.

Now, we recall to mind that, ever since commercial intercourse with all the nations³ was introduced, any matters of dispute that may have

the sense of: "The actual circumstances of the case are almost a matter of regret," literally: "are very nearly related to what may be regretted."

³ The original has 各國, "the individual (Tributary) States" subject to the Ching Empire.

arisen between the one and the other have always been determined in accordance with treaties; and Chinese and foreign merchants have thus lived on terms of mutual equity for a long time past—our Imperial Court regarding all alike with equal benevolence. But bad and good must ever be intermixed, and should the ill-disposed in any locality attempt to shift suspicion from themselves, by insinuating that the adherents of the sect are the perpetrators of crime, they shall immediately be searched out and rigorously prosecuted and punished. How can it be permitted that people should disseminate baseless stories, and wickedly foment disturbances.

Since, however, such popular riots have now taken place at Tientsin, ¹ it is to be feared that the local authorities in other provinces may, perhaps, be induced, in consequence, to harbour suspicions and get up occasions of quarrel. Let, therefore, the Viceroy and Lieutenant-Governors of Provinces issue strict instructions, to all the local authorities within their respective jurisdictions, inculcating the necessity of their putting forth stringent proclamations, and keeping their several populations in close subjection; also of affording every protection to those places, at the ports in which the tenets of the sect are being propagated; and seeing to it that the people do not, in their stupidity, get up occasions for raising disturbances. Respect this. T'ung-chih, 9th year, 6th moon, 1st day.

We shall revert to this edict after rendering a short account of the further proceedings, to which the Tientsin Massacre gave rise, and speaking of some other matters.

205. The Consul for the United States, Holland, and Denmark, Mr. Meadows, would seem to have been too much engaged in newspaper-correspondence and the discharge of his Chinese duties, to find early leisure for an official report of the grave events, which had occurred, to the American Minister in Peking, the Hon.

¹ This translation, taken from the "North-China Daily News," and very slightly altered by us, is on the whole correct and literal. "The Cycle" for August 6, 1870, renders the particular passage here in question: "The Emperor is filled with anxious thought lest the Tientsin tragedy be repeated at other places." The text has not a word either of "the Emperor" or of his "being filled with anxious thought," or of "a tragedy to be repeated." It reads: 此次天津既有民間滋鬧之事 恐各省地方亦不免因此懷疑起釁着, "Now, (however,) that this popular rioting and brawling affair has taken place at Tientsin, it is to be apprehended that everywhere the people (literally: that places of each province) be not prevented from equally indulging their animosities and getting up disturbances." The Editor's reflection on the rendering of this passage in the version, communicated to him, : "Most remarkable is the apprehension expressed in the sentence 'that the local authorities in other provinces may be induced, in consequence (of Tientsin) to harbour suspicions, and get up occasions of quarrel,' so that it would seem that even the Emperor sees traces of official action at Tientsin;"—again shows, as does the version of, "the Cycle," how essential are correct translations of Chinese documents of any description.

² We extract the following paragraph from a communication, dated at Tientsin,

Frederick F. Low; and it could hardly create surprise, if the Governments alluded to, were to consider the propriety and expediency of a foreign *employé* in the service of the Chinese (1), who, on the occasion of a great public crime, under his eyes committed by China against humanity, treaty-obligations, and the Western World at large, has betrayed so patent a bias and pursued so marked a course of action, as to elicit an expression of the strongest disapprobation on the part of his fellow-citizens,² continuing to represent the commercial interests of those countries. Of the Hon. Mr. Low's action little is publicly known. He appears to have altogether succumbed to the influence of the American Secretary of Legation, Dr. Williams, and to be a thorough-going partisan of the late Mr. Burlingame, whose "noble efforts as the representative of the Great Empire of China, to assert her position as one of the family of nations", command his admiration; and "in whose decease", as he assures His Imperial Highness Prince Kung, "the American people, throughout the whole thirty-seven States of the Union, felt that not only had China lost one of her highest statesmen, but that his own country was called to mourn over one of her most meritorious men". In reference to the Tientsin Massacre, although he signed the collective despatch of the Foreign Ministers (203), the Hon. Mr. Low is understood to have taken a purely commercial view of "the damage done (on the occasion) to property of American

July 18th, 1870, which appeared in "the Shanghai Evening Courier," and was reprinted in its pamphlet on the Tientsin Massacre (2nd ed. Shanghai, 1870, 8vo., pp. 55—57). It will speak for itself.—"Some of our readers may think it strange that no public expression of sympathy has been called forth from the Tientsin community on account of the late sad affair here. Our indignation has been deep and strong, and has been loudly and forcibly expressed among ourselves, both as to the cowardly miscreants who were the instigators and actors in the horrible tragedy, and also in regard to the unfortunate individual among ourselves who so far forgot himself and his nationality as to become their apologist.

The Sisters of Mercy were often among us and were highly respected by all who knew them, for their good deeds and self-sacrificing labours;—much deep sympathy is felt for them and for their friends.

The community felt it due to themselves to let the writer of communications from Tientsin which appeared in the *N. C. Daily News* of 23th June and 4th July, over the signature * * * , know how strongly they disapproved of those communications. Who the writer was, was perfectly well known to every man and woman in the Settlement. To this individual a letter was therefore drawn up and signed by land-renters representing nearly every lot in the Settlement. But, two respected

citizens", and—disregarding the fact that the destruction of that property was inseparably connected with a great public crime and a national violation of treaty-obligations—to have compounded both the one and the other by accepting, for the property thus destroyed, a "fair" monetary consideration. Nay, he is understood to have given to the Tsung-li Yamén the official assurance, that "a flagrant violation of the rights and privileges of American citizens by the people, and the failure of the Imperial Government to apply the proper remedy promptly, are *the only circumstances*, which will cause a departure from the traditional policy of the United States in their intercourse with China". Is there another Burlingamian Mission in contemplation at Peking? Be that as it may: if the Hon. M. Low has really made to the Tsung-li Yamén such a communication as is imputed to him, he could have given no more glaring proof of his utter incapacity to fill the post of a diplomatic Representative of his country. In further support of such an inference, we may as well advert in this place to the subsequent withdrawal of American missionaries from, and return to, Têng-chow, in Shan-tung, under circumstances which the following letter will explain:—

To His Excellency FRÉD. F. LOW, *American Minister at Peking.*

SIR,—Permit us to submit to your consideration the following. At T'ung-chow, in the province of Shangtung, the reports that had been circulating for months, of an intended attack upon the foreigners residing there and the natives attached to them, recently became so definite and, apparently, well founded, that we could no longer ignore them. At a meeting of the foreign community, who are all of us American citizens, held August 29th, it was decided that we should temporarily leave the

members of the foreign community thought it well before that letter was sent, to send a written enquiry whether he acknowledged himself to be the writer of the two offensive communications. To this enquiry his answer was as follows:—"I beg leave to own receipt of your letter of yesterday's date, asking me to give you information in respect to the writer of some letters which have lately appeared in the *N. C. Daily News*. In reply, I beg to state that as I am neither the manager nor editor of the *N. C. Daily News*, I am not the proper person to apply to, but that you should direct your question to either of those gentlemen."

At the same time that this reply was received, it was reported on good authority that Mr. John A. T. Meadows had acknowledged himself the author of the letters in question, and said he was sorry he had written them. The land-renters' letter was then sent to Mr. Meadows. It was as follows:—

SIR,—We the undersigned land-renters and others residing at Tientsin, disapproving in the strongest manner of your conduct in the late most serious and sad affair here, and believing you to be, from your words and action here, the writer of

place. We accordingly addressed a note (a copy of which marked A we enclose) to Mr. Holmes, the American Consul at Chefoo. In the absence of an American gunboat, he made application to H. E. Vice-Admiral Sir Henry Kellett, K. C. S., H. B. M. Naval Commander-in-Chief, who, with great kindness sent the *Barrosa* and the *Grasshopper* to our assistance, and secured our safe departure on Thursday, September 1st. We have written to Sir Henry Kellett the note, a copy of which we enclose, marked B., in acknowledgment of his kindness. Before our departure, in interviews with the local authorities we could obtain no guarantee for the safety of our lives and property. Within 24 hours, however, after our arrival in Chefoo, the Chihhsien of Tung-chow reported the fact of our leaving to the Taotai at Chefoo, who, in a communication to the American Consul, deprecates our departure, and cordially invites our immediate return. We beg to bring these statements to your notice, and would consider it a great kindness if you will favor us with your judgment as to the course of conduct proper for us to pursue under the circumstances.

We are, Sir, very respectfully, your obedient servants,

EDWD. P. CAPP,

3rd Sept., 1870.

On behalf the American Residents at Tung-chow.

In consequence of this letter, the Hon. Mr. Low requested Captain Kimberly, of the U. S. man-of-war *Benicia* to take the majority of the missionaries back to Têng-chow, which was done on the 19th October, 1870. It is difficult not to recognise in this course of action, adopted by the Representative of the United States, the missionary spirit and influence of Dr. Williams (87): it being manifest that, since, even by the most-favored-nation clause of existing treaties between China and Western Powers, the question of residence in the interior of China is, to say the least, a dubious one, the Hon. Mr. Low had no right to decide it by his own authority; the less so, as in ART. vii of the Burlingame Treaty (144), it is

articles in the *N. C. Daily News*, which we consider to be unjust and untrue, and calculated to damage, in the eyes of all good men,—were such reports not contradicted—the reputation of the foreign residents here, have to request that you will resign at once into the hands of the land-renters your office of Municipal Councillor.

(Signed by nine resident land-renters, and by nine gentlemen residing here who approve of the same.)

To this Mr. Meadows replied:—"As I shall, as you have no doubt already heard, very soon take my departure from Tientsin," [Mr. Meadows had at that time been appointed to accompany Chung-Ho to Europe as Interpreter or Secretary-Interpreter] "and as I shall in these circumstances, not be here to attend to my duties as one of the Municipal Councillors, I resolved some days back to send in my resignation to you on the afternoon of this day. I now therefore carry out that intention and have now to request you will please communicate my resignation to our colleague Mr. Hannen for his information. I am in receipt of a letter from the land-renters and it is my intention to reply to it during the next 18 days."

expressly repeated, that "the citizens of the United States may freely establish and maintain schools within the Empire of China at those places (only), where foreigners are by treaty permitted to reside". This applies equally to the residence of missionaries; and, certainly, at Têng-chow foreigners are not by treaty permitted to reside.

206. The British Chargé d'Affaires, Mr. Wade, was supplied by the well-directed zeal of H. M. Consul, Mr. Lay, with the earliest, the most ample, and the most reliable information regarding the Tientsin tragedy, which it was in his power to collect. Yet, although private telegrams, from Peking, announcing the massacre, had reached London on the 4th July, Her Majesty's Government received the first official information of the event, through the Russian Government, from Sir Andrew Buchanan in a telegraphic despatch, dated St. Petersburg, July 14. Ten days later, on July 25, no message had as yet arrived at the Foreign Office from Mr. Wade. "Have you any reports from our Consular agents at Peking?" Colonel Sykes is reported to have asked in the House of Commons, on that day, the Under-Secretary of State for Foreign Affairs. "No", Mr. Otway replied; naively, if not sarcastically, adding by way of explanation: "the outrage took place at Tientsin, and not at Peking".¹ Meantime, however, Mr. Wade had despatched, about the beginning of July, his Secretary of Legation Mr. Fraser accompanied by Mr. Adkins as Interpreter, (165, 108) to "investigate" that outrage. These gentlemen, of course, paid their respects to Chung-Ho; awaited the arrival of Tsêng Kuo-Fan; had the honor of being admitted to an interview with him; and returned about the 10th July to the Northern Capital. Shortly afterwards, H. M. Chargé

¹ The explanation, given by Mr. C. Mitchell Grant, the private agent of the Kiachta Telegraph, in a letter dated the 11th Nov., 1870, is a by no means satisfactory one. In reference to three despatches, said to have been forwarded by Mr. Wade in two days, he writes: "The telegrams in question were received by a student telegraphist at the Kiachta Station, from the Kiachta Post-Office. They were in a cover addressed to the chief of the Kiachta Telegraph Station, but the word *Telegrams* was not written on the envelope. The student having written his name in the Post-Office receipt book for ordinary papers—forgot to mention to his chief that the packet had been received; and there it lay until the next time the receipt book was opened, ten days after." (The North-China Herald for Nov. 29, 1870). From this communication it would appear, that telegraphic messages of the British Minister at Peking to the British Government announcing an important event, were by Mr. Wade in the first place entrusted to a private individual, or his sub-agent in Peking—

d’Affaires instructed Mr. Lay “to ascertain the amount of damage sustained by British subjects during the late unfortunate troubles”. Consequently H. M. Consul addressed, on July 20, a letter in this sense to the English Missionaries, stating: “As I am aware that many of your chapels were destroyed, and much valuable property lost, I have to request you, if you see fit, to have estimates made of the losses and send them to me, *in order that they may be forwarded to the Chinese Authorities*”. Had, then, Mr. Lay been instructed by Mr. Wade to submit the estimates in question to the local authorities of Tientsin for examination and approval? In their reply of the following day, the Rev. Messrs. Jonathan Lees and William N. Hall administered to the British Representative a well-merited rebuke, by remarking: “We cannot but express our surprise, not only that at this early stage we should be required to state the amount of those losses, but that, prior to the settlement of the more important questions which are still pending, the subject of monetary compensation should be entertained at all”; and expressed “an anxious desire not to be separated from their suffering French brethren in any settlement of these unhappy troubles”. “This is not”, they added, “a mere question of sentiment. We cannot but feel that the interests of our country are involved in what has occurred. We are British subjects, resident here under the protection of treaties... Our lives have been sought, our property has been destroyed, our converts grievously injured, and our character assailed. Moreover, there seems good reason to believe, that at least one of the murdered Sisters was a British subject... We are not crying for war or vengeance, but we do claim justice, and we hold most firmly to the

where Mr. Grant has an office at the Russian Legation,—and by the latter to the tender care of the post-master in Kiachta; who addresses them under an envelope, occasionally at least, as “ordinary” papers,—say butcher’s or tailor’s bills, or the like,—to the chief of the Kiachta Telegraph Station; who, in his turn, leaves the “ordinary” envelope to the care of some careless or absent “student telegraphist.” Now all this inculpates Mr. Wade only the more. For, not only was it his manifest duty under the circumstances, as incidentally admitted also by Mr. Otway in the House of Commons, to have despatched in the first place a special courier to Kiachta; but he neglected also, both to repeat his message or messages by the next-following courier of Mr. Grant, and to send any telegram at all *via* Singapore. *Extreme* negligence on his part can alone account for the fact that, still on the 25th of July, Her Majesty’s Government continued without any official information of the Tientsin massacre from H. M. Representative in Peking.

belief, that the path of safety and of honour, no less for individual Englishmen than for our Government, is to stand by our fellow-sufferers in the hour of trial. Nay, more, we believe this, for obvious reasons, to be the most merciful line of action in reference to the Chinese themselves". A second application for the estimates demanded by Mr. Wade, had to be complied with.

207. Meanwhile H. M. Chargé d'Affaires proceeded to Tientsin in person, to be present at the funeral-service of the victims of the Twenty-first of June. He arrived on the 27th July. Before him, Tséng Kuo-Fan and M. de Rochechouart had in succession reached the scene of the massacre; the former, a day or two after his arrival, issuing a proclamation, dated the 10th July, calling upon the people to pursue their accustomed avocations, and informing them that he had been "repeatedly" commanded by the Emperor to investigate "the affair of the 13th day of the 5th moon" in conformity with the principles of justice, and "*with the view to give no opening for hostilities*". In the Peking Gazette for July 24, there appeared the preliminary report of the Governor-General of Chih-li, together with an Imperial Edict relative to it. Both documents must, on the whole, be qualified as anything but satisfactory. True, in accordance with his programme (177), Tséng admits "with (apparent) candour", that the *aim* of the Christian religion is to teach men to be virtuous; that the *device* of the Sisters is Charity and Mercy; that no *proof* has been obtained of the complicity of the foreign missionaries *themselves* in the abduction of children; and it is his wish that the Emperor should promulgate an Edict, openly declaring that the misdeeds, (*such as the tearing out of eyes and hearts*), laid to the charge of the missionaries in *anonymous* placards, are nothing but calumnies: yet he neither exculpates the missionaries from "seducing and polluting women and girls", nor the Christian converts in their employ from the charge of kidnapping; and observes in a *sarcastic* tone: "Indeed to murder children and to mutilate their dead bodies, in order to prepare medicine from them"—dead bodies of children and parts of the human body constitute, to this day, common elements for preparations in the Chinese Pharmacopœia,—"*is a deed so horrible that even savages would be*

loth to commit it. England and France are large (Tributary) states beyond the seas. How could we suppose them capable of such inhuman crimes? Reason forbids us to think of such things even as possible". Need we remind the reader that, according to the ideas of the Chinese people, the inhabitants of all "states beyond the seas" are nothing but "savages"? The Imperial Rescript, referring to the memorandum in question and the first report of Chung-Ho (202), consequently repeats that, as to the scooping out of eyes and the tearing out of hearts, *the people were unable to bring forward any proof; that, the anonymous placards having not been examined into, the people came to believe them to be true; that the popular suspicions and animosities accumulated without any means of dispelling them; that not the talk about scooping out eyes, tearing out hearts, and killing persons, much of which was false and unsupported by the slightest evidence, 多屬虛誣毫無確據, occasioned the riot, but, after certain kidnappers had implicated the missionaries, the French Consul Fontanier firing (his revolver) at an officer of the Government,—on seeing which the people raised a clamour of ten thousand voices, and immediately rose as one man. After commanding the Board of Punishments to increase the rigour of the law against "the scoundrels, who stupefy and kidnap people",—人口, including grown up persons as well as children,—the Edict concludes thus:—"In the Metropolis, the seat of the Court, being the abode of the highest virtue and morality, 京師爲首善之區, such scoundrels should be searched out above all. Let, then, the Tatar Commandant of the City be continually on the alert; and, whenever these villains are met with, let them at once be handed over to the Board of Punishments, and be punished with more than ordinary severity. This from the Emperor". We may presume that both the documents, here referred to, were communicated by Tséng Kuo-Fan to H. M. Chargé d'Affaires during the presence of the latter in Tientsin.*

208. Mr. Wade left again for Peking on the 6th of August. Respecting the results of his visit to the scene of the massacre no more is publicly known, than is of his action and his views in regard to that massacre generally: even whether he recognises in Sister

Louise simply "a countrywoman of his" or a British subject, whose blood cries to Heaven for vengeance, and whether he has protested against, or passively sanctioned, the outrageous coolie-executions at Tientsin, remains to the English communities in China a profound mystery. All that has transpired of his action is that, after H. M. S. *Salamis* had, at his requisition, taken up twelve marines to supplement the armament of H. M. gun-boat *Grasshopper* for the more efficient protection of Nu-chuang, H. M. S. *Salamis*, at his requisition at second thoughts, brought those twelve marines back to Chi-fu. Moreover, he has vouchsafed, through H. M. Consul Mr. Lay, in a letter dated October 19, 1870, and in answer to the question: what guarantee is there against danger to the lives and property of British subjects in Tientsin during the winter? to inform Mr. J. Henderson, Chairman of the Municipal Council, that, "it being the intention of the Chinese Government to keep the new Governor-General, Li 'Hung-Chang, at Tientsin until the spring, the presence of a man of his known energy and capacity would be to him (Mr. Wade), were he a resident at Tientsin, of itself, a sufficient guarantee against an invasion of the ill-disposed". Perversion or blindness such as this appears almost incredible. Tientsin, certainly, will be secure from "the ill-disposed" during the ensuing winter; but not on account of the presence of Li 'Hung-Chang.¹ To his personal friends, however, the Representative of England seems to be more communicative. The confidential adviser of the Tsung-li Yamên, Mr. Hart, is said to have vindicated H. M. Chargé d'Affaires to the extent of asserting that he (Mr. Wade) has "suc-

¹ The large army, at the head of which Li Hung-chang entered Chih-li soon after the Tientsin massacre, was and is destined to act either on the defensive or the offensive, according to the decision of the Chinese Government, against "the foreign barbarian." It was Li, when Fu-tai, or Lieutenant-Governor, of Kiang-su, who, at the recapture of Su-chow in 1863, so treacherously ordered the Tai-ping *Wangs* (Princes), and chiefs, nine in number, who had surrendered to Colonel Gordon, to be executed. The Government, imagining that Colonel Gordon's indignation might be readily appeased, an Imperial Rescript of December 14, 1863, conferred on him the order of the Dragon and a donation of 10,000 taels (about £3000): to which the following answer was returned: "Major Gordon receives the approbation of his Majesty the Emperor with every gratification, but regrets most sincerely that, owing to the circumstances which occurred since the capture of Soochow, he is unable to receive any mark of his Majesty the Emperor's recognition, and therefore respectfully begs his Majesty to receive his thanks for his intended kindness, and to allow him to

ceeded in frightening the Peking Government out of their wits",²—a proceeding, the expediency of which appears to us of a somewhat questionable nature; but another *intimus* of His Excellency, the Superintendent of the Tientsin Arsenal, Mr. Meadows (205), in a letter of July 14, 1870, to "the North-China Herald", informed the public, that "Mr. Wade, H. B. M. Minister had addressed a very long despatch to the Tsung-li Yamén, on the events of the 21st June. It is the ablest State paper which has ever been received by the Central Government from a Foreign Minister; and it has had a great effect on the Chinese officials at Peking and at Tientsin. Its tenor is retrospective and prospective, on the political working of the Chinese-Foreign international intercourse". Unfortunately for the value and tendency of his judgment, the writer adds: "If the capture of the Yuen-ming-yuen was, in the eyes of the Chinese, the subduing of the whole of China, the effect of Mr. Wade's despatch, if made known to the Chinese people, should be the convincing of the whole of China, of the equal standing of foreigners with Chinese in their country". We must here leave Mr. Wade to the incense of his associates; while quoting Mr. Gundry's almost simultaneous and pertinent strictures upon the attitude, assumed by the British Representative. "Mr. Wade's apparent policy at the present crisis", he observes, "is the subject of general and severe criticism. The prevalent opinion is, that he has shown a regrettable lack of vigour; and that his views, in regard to the political position, are opposed to those of nineteen-twentieths of his countrymen in China. It is justly said that it was at least the British minister's

decline the same." (Wilson's History of the Tai-ping Rebellion, London, 1868, 8vo., p. 206). Prince Kung strongly defended Li's conduct.

² "We hear that Mr. Hart has written to the effect that people are abusing Mr. Wade unjustly, and that when they hear what he has done, they will discover the mistake that they have made. He says that Mr. Wade succeeded in frightening the Peking Government out of their wits, and that it is due to him that Count Rochecouart and his Legation were not compelled to leave Peking. It is of course interesting to enquire, when it will be that the public will know what Mr. Wade has done? It will certainly be very satisfactory to find that he acted firmly in the matter; but we do not quite understand upon what ground Mr. Hart interferes in every political matter. His business is that of Inspector-General of Customs, not of a species of political agent for the Chinese."—(The Hongkong "Daily Press," as quoted in the "North-China Herald" for Oct. 25, 1870).

duty, in such a crisis, to give his countrymen some word of warning or assurance; to have told them to guard against further danger, or to have given solid reasons for believing that no danger exists. He cannot ignore the excitement which has been created by the Tientsin massacre; nor the impression which prevails in regard to his own policy; and we hold that the position is sufficiently grave to claim a departure from diplomatic reserve, and a frank explanation to those whose interests he is supposed to guard. Mr. Wade has, on the contrary, maintained his isolation, and has allowed his countrymen to retain the belief that he takes a view diametrically opposed to their own, and inclines to a policy which they hold to be fraught with danger". It may, indeed, be a source of peculiar gratification to a narrow mind, at epochs of great public anxiety, to enshrine itself in the grandeur of its new-born and perchance short-lived dignity, and to indulge the olympic feeling of diplomatic reserve and exclusiveness to the full: but it would, no doubt, prove of benefit to the Public Service, if Her Majesty's Government were occasionally to recall ultra-majestic *Chargés d'Affaires* from the clouds, and to remind them that they are but the subordinate servants of the Foreign Office, as the Secretaries of State at the Foreign Office, in their turn, are but the subordinate servants of the British nation, and the people of England.

209. Count de Rochechouart, accompanied by the Interpreter of the French Legation, M. Déveria, arrived at Tientsin on the 17th July, and initiated his visit by committing the error of calling upon both Tséng Kuo-Fan and Chung-'Ho. In taking this ill-advised step, he not only abandoned at once his proper position as the Representative of France, who had come—whether under an impulse sound or not—to investigate an unheard-of public crime committed against his country within the jurisdiction of those Chinese officials: he also compromised himself personally. Tséng's secret memorial, in which he advocates the arousing "the indignation of the people" against foreigners (177) had ceased to be a secret; the means by which the populace had been incensed against the missionaries generally, and the French missionaries in particular, were a matter of public notoriety; and M. de Rochechouart knew

or should have known, from his experience in China, that no such riot as that got up on the twenty-first of June, and no such deeds as those enacted on the day of the summer-solstice, at Tientsin, could have taken place without the culpable connivance of Chung-'Ho. Those first visits, therefore, under such circumstances paid by the Representative of France to those two mandarins; his policy of isolation; his speech at the funeral of the victims of the massacre; his apologies for the Imperial Commissioner; his proposal to the Chinese Government to send, of all-men *him* (the Imperial Commissioner at Tientsin) as Ambassador to Paris; his, to say the least, passive assent to the coolie-executions at Tientsin,—a crime, in mockery of justice perpetrated; not even to atone for, but to shield and exalt, a greater crime—, and to China offering to France for the blood of her murdered public servants, priests, Sisters of Charity, and subjects, a *mon-y*-compensation fixed according to a graduated scale; all this has produced on the public mind an indescribably painful impression, notwithstanding that the most generous allowances are made for the difficulties of M. de Rochechouart's position, after the outbreak of war between Prussia and France had become known during his stay at Tientsin.

210. Previously also to M. de Rochechouart's return to Peking on the 5th of August, Tsêng Kuo-Fan's and Chung-'Ho's united report on the massacre appeared. It is essentially, and for the greater part literally, but a repetition, both in its tone and contents, of the preliminary report of Tsêng Kuo-Fan (207), so far as that report goes. But there are remarkable additions to it; including the assertion that M. de Rochechouart had come to Tientsin "to consult about the restoration of the churches and other necessary things"; and that not only the murder of the Russians, but also the destruction of the English and American chapels was unintentional, and happened "by mistake". The drift of the whole report, which contains not one single expression of regret, much less of horror, at "the Tientsin rioting-affair", amounts to this: it persists in the palpable untruth of the origin of the riot being due to M. Fontanier firing his revolver at a Chinese official; it positively acquits the missionaries *personally* of kidnapping, and dubitantly of their

tearing out people's eyes and hearts ;¹ it acquits them in language, liable to be differently construed, of "the murder of children, the mutilation of corpses, and the extraction of the foetus from the womb, for the purpose of compounding drugs"; it charges them, by implication, with "seducing and violating females", and with indirect kidnapping on the part of subordinates ; it asserts that the people had ample reasons for their suspicions and their anger, to wit, that many native patients, who applied for relief at the hospital, were frequently detained, against their will, that even cast-away children of both sexes, beggars, and dying persons² were received, that the boys and girls were kept separate and often did not see each other all the year round, etc.; it pretends that, after the riot had once commenced, it was not in the power of man to stay it; it states that the Tau-tai, the Chih-fu, and the Chih-s'ien, being culpable only of incapacity to take preventive measures against such a disturbance, have been dismissed from office, to await further proceedings; it recommends that the leaders of those who perpetrated *cruelties*, 行兇首, and those who profited by the opportunity to *plunder*, should be seized and severely punished, *as a warning to others for the future*; but insists on the Tientsin people, whom it praises as of a fiery, unbending temper, *fine, patriotic fellows*, 天津風氣剛勁人多好義, who may claim to have been impelled only by a feeling of national indignation, 義忿, and ought one and all to be acquitted of blame; and, finally, it suggests that an Edict be promulgated throughout (the Ching Empire of) the World, 天下, on the one hand with the view, both of whitewashing (literally: snowing over) the grivances of the transoceanic men (a contemptible expression), 一以雪洋人之冤, and of removing: (literally cutting off the corners from) the doubts of the *literati* and the people, 一以解士民之惑, on the other hand for the purpose of making known the originating causes of the animosities (justly) entertained by the population of

¹ After stating that the truth or falsehood of the charges, brought in *anonymous* placards against the missionaries, had never been properly cleared up, the report goes on to say: "In the present instance, after minute examination into the charge of scooping out people's eyes and ripping open their hearts, *we can find no real proof* of anything of the kind having been done, and the general talk among

Tientsin, clearly and one by one. Even from the most fanatic Chinese patrons of the Tientsin massacre it would have been difficult to expect a more unblushing, a more cunningly-worded, a bolder, and a more defiant report. It was, under the circumstances of the case, perhaps not unnatural that Tséng Kuo-Fan and Chung-Ho should altogether ignore the *official* proclamations of Chinese magistrates, which gave a definite direction to the popular excitement, and all those inculcating facts, to which we have just alluded (210), together with the very presence of Chên-Kuo-S'ue at the scenes of the riot: but, that they should positively *vindicate the massacre as a national and patriotic deed*, and, grieving or pretending to grieve that, *as such*, it was accompanied by popular excesses discreditable to a "civilised" people, announce to the World that, those excesses being about to be punished with the utmost severity of the law, *they* are not likely to be *repeated on future occasions*, may to Europeans, who are not personally acquainted with China and the character and modes of thought and action of Chinese mandarins, appear almost incredible. Yet, we venture positively to affirm, that there is no educated Chinaman, who will place upon the report of Tséng Kuo-Fan and Chung-Ho a construction, different from what we have done.

211. Upon the return of the French Chargé d'Affaires, M. de Rochechouart, to Peking, and Tséng's disappointment in failing to settle matters quietly with him at Tientsin, the former communicated a memorandum on the massacre to his colleagues and the members of the Tsung-li Yamén, stating the grounds, on which he demanded the execution of the Chih-fu Chang Kuang-Tsáu, 張光藻, the Chih-s'ien Liú-T'jé, 劉傑, and the general Chên Kuo-S'ue, 陳國瑞; whilst passing the Táu-tai over in silence, and exculpating Chung-Ho. "His first care after the massacre of Tientsin", thus M. de Rochechouart introduces his subject, "was to seek out, by all possible means, the instigators and authors of this

the people about there being a large jar full of eyes is without foundation."

² That "even dying persons" are occasionally received by the Catholic Missionaries is a fact, and one so utterly incomprehensible to the Chinese mind, as to lead it almost necessarily to infer, that it can be done only for the purpose of making use of certain parts of the corpses for the Pharmacopœia.

lamentable tragedy. All the information, which he could procure at Peking, implied the culpability of the three officials mentioned above. He thought it right to impart his suspicions to his Excellency Tsêng Kuo-Fan, requesting him to institute an inquiry into the conduct of those magistrates with a view to their punishment. A few days later he proceeded to Tientsin, and there obtained the certainty that the acts, attributed to the magistrates in question, were really incontestible. He then pressed more earnestly upon the Governor-General of Chih-li the necessity of punishing these wretches. He pointed out, at the same time, that martial law having been proclaimed at Tientsin, it would not be necessary to observe the usual forms of Chinese procedure, and that a summary judgment would have the twofold advantage of allaying the just resentment of the French Government, and of re-establishing security by showing the inhabitants of Tientsin, that the Central Government intended to punish the authors and the instigators of the atrocious crimes committed. He was unable, however, to persuade his Excellency Tsêng to share these views". On the contrary: an Imperial Rescript appeared on the 11th August, of which the following is a published version:—

"Tsêng-kuo-fan and those associated with him, have memorialised the Throne, stating that the French Minister still adheres to his former plans and has returned direct to the capital to carry on negotiations. The demands of Rochechouart are boundless; and his request for the execution of the Fu and Hsien cannot possibly be complied with. An Imperial mandate was despatched yesterday (or recently) commanding Chien-ting-ming to send Chang-kuang-tsau and those with him to Tientsin (for examination), and orders were sent to Tsêng-kuo-fan and his associates to forward the depositions of the Fu and Hsien to the French Minister, hoping thereby to bring this matter to an early settlement. Now, however, Rochechouart, thwarted in his wishes, has returned in displeasure to the capital. China has now entered into amicable relations with foreign countries; and the foreign office will of course firmly adhere to a fixed policy, and strenuously oppose crafty (or vicious) schemes. Tsêng-kuo-fan and his associates must continue vigorously to arrest the villains who caused the (late) disturbances, and bring them to speedy punishment, &c.," [for the purpose of "whitewashing" the grievances of the men from beyond the seas].

T'ung-chih 9th year, 7th month, 15th day.

The Chinese Government had determined not to swerve from Tsêng's programme (177) and the course of action recommended by him (210); and the progress of the war in Europe tending to further

weaken the position of the Representative of France: M. de Rochechouart's final endeavours to enforce his demands could not but prove unavailing.

212. The following despatches, addressed by the Tsung-li Yamên to the French Chargé d'Affaires, and translated from the version of M. Déveria,—the Chinese text not being before us,—will fully explain the ultimate theory regarding the Tientsin massacre officially announced, and the only measure of "justice" for an unheard of public crime accorded to "the resentment of France", the united influence of the Foreign Ministers in Peking, and the opinion of the Western World, by the Government of China, "directed and guided largely by that modest and able man, Mr. Hart" (129).

The massacre of foreigners at Tientsin on the 21st June last, was the consequence of abductions of persons, laid to the charge of Christians. Suspicion turned into hatred, and the occurrences which took place on both sides led to a rising, and soon after to a catastrophe. On the very day, on which these facts were reported to the Emperor, a decree expressly commanded Tsâng, Vice-roy [Governor-General] of Chih-li, Great Military Counsellor of the Empire (Universal), Honorary Imperial Tutor of the second class, Bearer of the double-eyed Peacock-feather, and a Noble of the first class, Marquis of I-yong, to proceed to Tientsin for the purpose of investigating and settling this affair. A subsequent Rescript commanded the Governor-General of the province of Chih-li to require the authorities within his jurisdiction, to protect, if circumstances should render it necessary, all places of foreign commerce and of the propagation of doctrines.

Thereafter the Emperor deigned to appoint Chung-[Ho], Honorary Imperial Tutor of the third class, Bearer of the double-eyed Peacock-feather, Lieut-General of the Red-bordered Banner, Vice-President of the Board of War, and Superintendent of Commerce for the Three Northern Ports, to proceed officially to your noble [honorable] Government, and thus to give a proof of the sincere friendship [!] which animates both nations [States, namely, the ruling Central State and the tributary Fa State].

That catastrophe was brought about in a manner, to us, the Prince [Kung] and the [other] Ministers [of the Tsung-li Yamên] altogether unexpected. We deeply deplore that officials and subjects of your noble Empire [honorable (Tributary) State] should have been the unhappy victims of a similar attempt. China having for many years past entertained relations of friendship [amicable relations] with your noble Empire [honorable (Tributary) State], we did not anticipate that the populations [sic] could ever have committed an act so unimaginable and incomprehensible.

Repeatedly we have officially communicated to you, noble [honorable] Chargé d'Affaires, Imperial Rescripts relative to these events. At the same time we sent you despatches assuring you, that the offenders compromised in this affair were to be arrested and strictly examined; that the local

authorities at fault were to be taken before the tribunal of the Mandarinate ; that the religious establishments, the Consulate, and other immoveable property destroyed, should be restored by means of an indemnity ; that we regretted still more—[than the prospective restoration of the Consulate, &c?],—if that be possible, the death of the ladies [*sic*] of Charity ; and, finally, *we requested you to furnish us with a list of the victims, in order to have a basis of calculation for the pecuniary indemnities.* Such was the subject of the despatches, which we successively addressed to you. In conformity with what we had the honor of announcing, Tséng, a Member of the Council of State, Vice-roy [Governor-General] of Chih-li, and others, reported that they had investigated the circumstances, under which the rising took place ; they positively declared that, *as to the tearing out of eyes and hearts,* all was a fable, and that such things had not taken place ; they prayed that the Emperor would issue an Edict to dissipate the doubts, which might still be entertained in this respect ; and to strictly enjoin the territorial [local] authorities, civil and military, to continue active in searching out the murderers. The same high officials prayed at the same time, that the Emperor would degrade, and order before the Board of Punishment, the Prefect of Tientsin Chang Kuang-Tsáu, and the Sub-Prefect Liú-Tjé, both culpable of not having, immediately after the event, caused the guilty to be arrested.

On the 5th October a decree appeared, by which the Emperor, considering that the Prefect and Sub-Prefect of Tientsin had taken no measures sufficient to prevent what happened between the people and the Christians, and subsequently had not known how to lay hands on the guilty, approved the measures, which had been submitted to him. Consequently, Tséng Kuo-Fan and others brought these two degraded functionaries to justice, and sent them under proper escort before the Board of Punishments, which proposed to the Emperor to apply the punishment provided in the article : "Criminal rising of the populace, incapacity of the territorial [local] authorities, civil and military, to suppress disorder and to protect," namely, dismissal,—a punishment, in consideration of the gravity of the facts, increased to exile, and a forced participation in the military labours of the armies at the frontier. The Emperor was requested, on account of the extreme gravity of the attending circumstances, to designate himself the place of exile.

"The above-named Prefect and Sub-Prefect were responsible in their respective districts ; yet have they not known to devise means to prevent the population of Tientsin to rise *en masse*—[which was not the case]—and to commit the acts, which took place, it being thus that the evildoers had the opportunity to destroy everything by fire and blood and to kill many people ; nor did they, in aggravation of their neglect, arrest the guilty as quickly as circumstances required it. Chang Kuang-Tsáu and Liú-Tjé are consequently sentenced to transportation to the river Amur, to expiate their crime by forced labour. By such a punishment the Emperor has desired to give a warning to all.

"The populace of Tientsin, excited by doubts and anger, and paying no attention to what the local authorities did for the re-establishment of order, carried its audacity so far as to kill more than twenty victims, among

whom the Sisters of Charity, cruelly murdered. This fact proves further the cowardice of the assassins.

"Tsêng Kuo-Fan and others have passed judgment upon the individuals arrested and implicated in this affair, and the punishments were proportioned to the gravity of the crime of each. Fêng, nick-named "the lame," and fifteen others, were condemned to death; Wang-wu, nick-named "the awl," and twenty-one others to banishment to the most distant frontiers. The punishments, having been found merited, the Emperor has approved the sentences delivered, and has ordered that Fêng and his accomplices be executed, and Wang and others be transported to the place fixed for their exile.

"After these acts of severity, the local authorities of the province of Chih-li will have to address proclamations to the people, in order to make them do their duty and respect the laws, and to prevent the repetition of similar events. Whenever a case in which foreigners are interested, presents itself, it should be settled justly and satisfactorily in conformity with treaties. Our hope [wish?] is to see order prevail everywhere, and hence peace between native and foreign merchants [*sic*]. Respect this. "[This from the Emperor]."

This decree was followed by another one, which appeared on the 9th October, in consequence of an additional report from Tsêng Kuo-Fan. It reads thus:—

"The accused, of whom Tsêng Kuo-Fan and others furnish a list, are, after judgment [in conformity with the law?] to be sentenced *as the Vice-roy [Governor-General] has decided.*

"Liú-êrh and others are to be sentenced to death.

"Sang-láo and others are to be sentenced to an exile proportionate to the gravity of their crimes.

"Respect this." [This from the Emperor].

From the commencement, noble [honorable] Chargé d'Affaires, you have spoken of the execution of the Prefect and the Sub-Prefect of Tientsin, and the General Chên Kuo-S'ûe. The decision of to-day will not completely satisfy your Excellency. Our acquiescing in your wishes would have had great inconveniences for China, and the explanation of which can, of course, be given orally by his Excellency Chung-Hô to your noble [honorable] Government.

I [we] may remind you, in regard to this subject, that, after [according to?] the investigation of the Vice-roy [Governor-General] Tsêng and others, it has been proved that the occurrences at Tientsin originated in the faith, which the people attached to certain stories, and are not the result of an instigation by the local authorities. The murderers are condemned to death, and the Prefect and Sub-Prefect, degraded, have been sent to the river Amur to expiate their crimes by taking part in the forced labours of the armies [*sic*], occupying the frontier. This sentence has already been one of the most severe, and will serve as a lesson for the future.

It was by chance, that General Chên Kwo-S'ûe found himself at Tientsin. That officer was ill¹ and travelling. He had no hand in what occurred. It is therefore useless to enlarge upon this subject.

¹ Chên Kuo-S'ûe, himself pretended that, during the riot, he had been in his boat, indulging in Oriental debauchery.

By the execution of those, who were condemned to death, China has already acted in good faith, and shown no partiality.

A despatch from your Excellency admits the reimbursement of losses, sustained by the religious Establishments and others, to the extent of 210,000 taels.

Our Sovereign, deeply deploring that officials, merchants, their wives, and the Sisters of Charity should have fallen victims to the occurrences in Tientsin, has fixed at 250,000 taels the total of a pecuniary indemnity, of which we have already sent you officially the details of repartition.

Although the Tientsin affair be thus terminated, we feel yet bound to take measures against any troublesome eventualities. Hence, the newly-appointed Governor-General of Chih-li, Honorary Imperial Tutor of the second class, a Member of the Great Council of State, Bearer of the double-eyed Peacock-feather, and a noble of the first class, Earl of Song-y, [Li 'Hung-Chang], has taken up his residence at Tientsin, with the view of insuring effective protection [against any attack from Western Powers].

Now, it is already for many years that friendly relations have existed between China and your noble (honorable) Government, and the events of Tientsin have taken place quite unpremeditatedly on the part of the people: so, then, they can in no wise impair confidence and affect the national honor. The question, which has thus far occupied us, is cleared up and settled.

His Excellency Chung-Ho has received the Emperor's commands to present in person a letter from the Chinese Government to yours, to testify the desire of the former to see a good understanding perpetually to prevail between the two States. His Excellency has submitted to the Emperor, that he would take with him as Secretaries Messrs. Novion and Imbert, both French subjects.

Such is the object of the present communication. Another one will be addressed to the Minister of Foreign Affairs of your noble (honorable) Government. Your Excellency is requested to take this into consideration.

The French translation, on which our version rests, is manifestly in several places faulty, in others colored. The second despatch, to which reference is made, dated the 18th October, 1870, reads thus:—

I [we] have had the honor to receive from your Excellency, in reference to the events at Tientsin, a despatch expressive of the indignation and pain, which they had produced. To that document was joined a list of the victims.

The news of misfortune so unexpected was to us a source of very great affliction. China and France having for many years past entertained amicable relations, no one was prepared for such a catastrophe. Even now we are quite confounded and affected by it.

It has been determined, that a sum of 250,000 taels be paid as indemnities, which, according to the decision of the Board of Revenue, your Excellency may receive from the Administration of Customs of Kiang-nan and Kuan-tung, in order to distribute that sum afterwards, conformably with the annexed account, between the families of Consul Fontanier, the other functionaries, and the merchants. The Church is to have her share.

On the 12th instant we received your despatch, informing us that the actual losses sustained by the religious Establishments and others, amount

to the sum of 210,000 taels: the Board of Revenue has already decided that the payment of this compensation money be paid by the Customs of Tientsin.

Such is the object of the present communication.

Repartition of the Indemnities granted.

Consul Fontanier	-	-	-	-	-	30,000
The Chancellor S. Simon	-	-	-	-	-	20,000
The Chancellor J. and Mrs. Thomassin	-	-	-	-	-	50,000
Mr. de Chalmaison, merchant	-	-	-	-	-	10,000
Mrs. de Chalmaison	-	-	-	-	-	10,000
For the Church	-	-	-	-	-	130,000

(About £75,000.—) Taels 250,000

List of Punishments awarded.

a. Condemned to death.

1. Fêng, nick-named "the lame", has acknowledged having killed M. Fontanier by sword-cuts.—2. Liú-êrh, has acknowledged having killed Father Chévrier with an iron-shod stick.—3. S'iang, has acknowledged having killed Russians by spear-thrusts.—4. T'jien-êrh, has acknowledged having killed a Russian with a sword.—5. Li Chêng-kuá, has acknowledged having killed a Sister of Charity with a stick.—6. Chow-san, has acknowledged having killed Madame de Chalmaison with a stick.—7. Chang-li, has acknowledged having killed M. de Chalmaison with a sword.—8. Wei-Lao, has acknowledged having killed one of the Europeans of the Wang-hai-leü with an iron bolt.—9. Ma hung-leang, has acknowledged having killed one of the Europeans of the Wang-hai-leü with a sword.—10. Wu-to, has acknowledged having killed a Sister of Charity with a cutlass.—11. Tóan-ta, has acknowledged having killed a Russian and thrown him into the river.—12. Fan yung-tjü, has acknowledged having killed one of the employés of the Catholic Mission with a piece of wood.—13. Liú-êrh has taken a sabre from a European, and killed him with it.—14. Chang-êrh, has acknowledged having killed one of the women, employed by the Sisters, with a sabre.—15. Tsüé-tu-tze, has acknowledged having killed a Sister of Charity with a sabre.—16. Chang kao-chuen, nick-named "Death-head", has acknowledged having killed a European with a sabre, and afterwards a Russian lady.—17. Siáo-êrh, has acknowledged having killed a Sister of Charity.—18. Chung ma-li, according to the testimony of Leü-êrh, Tsáu-ta, and the woman Káo-wu, has killed a European of the Catholic Mission.—19. Wang-leü, according to the testimony of three witnesses, has killed Sisters of Charity with a lance.—20. Ko-san, according to the testimony of several witnesses, has killed Sisters of Charity with a hay-fork.

b. Condemned to transportation for thieving and wounding.

Wang-wu, nick-named "the awl", and four others,—of whom one is said to have wounded a woman employed by the Sisters,—for ten years; nineteen for three years: the names of all being given.

M. de Rochechouart, in a letter addressed to the Consul-General of France in Shanghai, Count Méjean, says in reference to the preceding "list of satisfactions, which the Chinese Government decided on offering to the French Government in connection with the massacre of Tientsin", that "he has neither to approve nor to disapprove a programme not his own, and which, besides, is carried out at so late an hour". But not to disapprove of *such* a "programme", is, in our judgment, to virtually approve of it; more especially under the circumstances, attending its transmission to the French Government.

213. It has been stated on authority, which we have no reason to doubt, that, but for the action of Mr. Wade and the Hon. Mr. Low, the Chinese Government would have granted to the French Chargé d'Affaires, or rather, since "the programme is not his", to France, "terms of satisfaction" far less favorable than those actually offered; and that the Representatives of the United States and England have almost acted in the character of umpires in reference to the proposed settlement. Indeed, this is probable in itself, considering the instructions sent out to those diplomatists by their respective Governments, and their own intimate relations with the Tsung-li Yamén; not to remind the reader of Mr. Hart's assurance, that Mr. Wade frightened the Members of that Commission out of their wits (208, 2). We confess, we are unable to discover so much as a trace of the latter fact. The Tsung-li Yamén may have led the Hon. Mr. Low and Mr. Wade to imagine, that it has made very large concessions to France out of regard for *them*, and that, consequently, it has a claim upon their gratitude and that of the Governments they represent, to a corresponding extent; but all they have really obtained, has been a very liberal allowance of *blood-money*. That alone, the Chinese Government was at first little disposed to grant. The coolie-executions, on the principles of "justice" and "a life for a life", together with a due compensation for property destroyed, Tsêng, to whom the conduct and settlement of the entire matter was in great part left by the Imperial Government, had, as we have seen, freely conceded from the commencement, and apparently of his own accord. Of *justice*,—if a denial of justice

be here in question,—not one iota has been wrung from the Chinese by the American and English Representatives. How, too, could they rationally expect to succeed by mere remonstrances in what the collective action of the Foreign Ministers, as a body, had failed? We have just said, “if a denial of justice be here in question”; for this is the point, upon which the argument generally turns; and before we proceed, it will be desirable to place it clearly before the reader.

214. If the Chinese Government and the Tsung-li Yamên were correct in maintaining, that the massacre of Tientsin originated in an *unpremeditated* rising on the part of a mob, whose animosities against Christian missionaries had been *justly* excited by various mysterious and criminal acts of which they were publicly accused,—short only of tearing out, for medicinal purposes, people’s eyes and hearts,—and suddenly infuriated by a foreigner firing, without cause, his revolver at a native magistrate; if it be true, as they assert, that it was not in human power to quell the riot, after it had once commenced, and that it was neither instigated, nor connived at, by the local authorities; that it was duly and publicly investigated in accordance with the ordinary legal procedure of China, and in the presence of competent foreign officials; and that the guilty were punished in strict accordance with Chinese law, and European principles of justice: then, it is manifest, that the Chinese Government not only has performed its duty fully, honestly, and loyally; but has, moreover, evinced a spirit of justice, charity, and philanthropy, which would have reflected no discredit on a Gladstone-Bright administration. In such a case, the collective despatch addressed by the Foreign Ministers to the Tsung-li Yamên, on the first news of the massacre reaching Peking, would have been, to say the least, premature; M. de Rochechouart’s demand for the execution of innocent persons outrageous; Chung-Ho’s mission a work of sheer supererogation; and the reported efforts of the Hon. Mr. Low and Mr. Wade in the direction of pecuniary compensation a grosser insult to France even than they are now. We will, therefore, abstrasting of every other consideration, and as though no foreign element whatever were mixed up in it, in the first place inquire:

whether the laws of China have been duly applied to the undisputed facts of the case?

215. The Penal Code of China, an admirable translation of the Fundamental Laws of which was published in 1810 by the late Sir George Thomas Staunton, includes *Massacre* in "the ten great crimes", subject to the utmost rigour of Chinese law:—

Offences of a treasonable nature.—V. *Massacre*, is held to be the murder of three or more persons in one family [household] and comprehends other crimes sanguinary and enormous in a similar degree...The crimes here arranged and distributed under ten heads, being distinguished from others by their enormity, are always punished with the utmost rigour of the law; and when the offence is capital, it is excepted from the benefit of any act of general pardon; being likewise, in each case, a direct violation of the ties by which society is maintained, they are expressly enumerated in the introductory part of this code [the Ta-Ching Penal Code], that the people may learn to dread, and to avoid the same.¹

Hereupon, the Code enacts for this "most heinous" crime the following law, which, considering that the massacre had been publicly announced, by anonymous placards, several days previously, and that the intention and the day, fixed for the execution of the design, were known, a whole week before, in places up to two-hundred miles distant from Tientsin, applies in every particular to this case, so far as the provisions of the law are concerned:—

Any person who is guilty of killing, by previous contrivance, intentionally but without premeditation, or in the course of a robbery or house burning, three or more persons, whereof none were guilty of capital offences, and all of whom were relations in the first degree, or inmates of one family [household]; and also any person who is guilty of mangling and dividing the limbs, and thus in a cruel and revengeful manner killing any individual, shall, when convicted of being a principal offender, suffer death by a slow and painful execution. The property of such principal offender shall be forfeited to the use of the suffering family, and his wives and children shall be banished perpetually to the distance of 2000 lee. Accessories, contributing to the perpetration of the crime, shall be beheaded. The other accessories shall be punished as accessories in ordinary cases of murder. Where the original design had been to kill one person only, but from any subsequent

¹ *Ta Tsing Lee Lee*, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., Div. i, Book i, Sect. ii, pp. 4—5.—"The title of this section might be, perhaps, more literally translated "The Ten Wickednesses" or "The Ten Abominations"; but the choice of terms is not very material, as the text fully explains the nature of the offences ranked under this class". (Note, p. 490.) The term 一家 should have been rendered, here as elsewhere, "one household", instead of "one family".

cause three or more are killed, the original contriver, if not contributing to the execution, shall be beheaded; and the individual who first proposed, upon the spot, the killing of three or more persons, shall be executed as the principal, agreeably to this law.²

"Death by a slow and painful execution" means, that the condemned person is stretched on a cross, and "cut into ten-thousand pieces", i.e. sliced up; the mode of proceeding being generally left to the cruel ingenuity of the executioner. After the battle of Whampoa, Mr. Wingrove Cook relates, that the wife of a rebel general fell into the hands of Yeh, the Governor-General at Canton, and was consigned to such a doom. "Her breasts were first cut off; then her forehead was slashed and the skin torn down over the face; then the fleshy parts of the body sliced away... There are Englishmen yet alive who saw this done, but at what period of the butchery sensation ceased, and death came to this poor innocent woman, none can tell". The foreign residents in Peking were afforded the opportunity of witnessing the similar execution of a woman,—for parricide, if we remember aright,—in 1867.

216. In the case of the Tientsin massacre, the circumstances, contemplated by the law just adduced, were further aggravated by incendiarism and robbery. The penalty for the former crime is thus determined in the Penal Code:—

All the accessories, as well as principals, to the crime of wilfully and maliciously setting on fire any residence, either of an officer of government, or of any private individual, their own only excepted, or to the crime of in the same manner setting fire to any government or private building, treasury, or store-house, in which public or private property of any kind is stored and deposited, shall be punished with death by being beheaded at the usual period.³

The second crime is distinguished in the Penal Code as follows: "In general, an open and violent taking constitutes a robbery, and a private and concealed taking a theft".⁴ The law regarding it, here applicable, is this:—

² *Ta Tsing Leu Lee*, translated by Sir George T. Staunton, Bart., London, 1810, 4to., p. 308, Div. vi, Book ii, Sect. cclxxvii of Code, "Murder of three or more Persons in one Family [Household]".

³ *Ta Tsing Leu Lee*, translated by Sir George T. Staunton, London, 1810, 4to., p. 417, Div. vi, Book ix, Sect. cclxxxiii of Code.

⁴ *Ta Tsing Leu Lee*, translated by Sir George T. Staunton, London, 1810, 4to., p. 300, Div. vi, Book i, Sect. cclxxx of Code.

If, in attempting to commit a robbery, any individual is killed, a house burned, a female violated, a prison, tribunal, or fortification broken into, or damaged ; or lastly, *if an hundred persons [or more] are assembled, and aiding and abetting the same*, each of the criminals shall be beheaded immediately after conviction, even although the party should have obtained no booty ;— and the heads of the criminals, as soon as struck off, shall be fixed on pikes, and exhibited as a public spectacle.¹

Now, in all cases, like that of the Tientsin massacre, not exactly provided for by any existing law, the principle and practice of Chinese judicature is expressed in the following words of the Code :—

From the impracticability of providing for every possible contingency, there may be cases to which no laws or statutes are precisely applicable ; such cases may then be determined, by an accurate comparison with others which are already provided, and which approach most nearly to those under investigation, in order to ascertain afterwards to what extent an aggravation or mitigation of the punishment would be equitable.

A provisional sentence conformable thereto shall be laid before the superior magistrates, and after receiving their approbation, be submitted to the Emperor's final decision. Any erroneous judgment which may be pronounced in consequence of adopting a more summary mode of proceeding, in cases of a doubtful nature, shall be punished as a wilful deviation from justice.²

It is obvious, then, that the enormity of a simple case of massacre, such as is contemplated by the fundamental law of Sect. cclxxxvii of the Penal Code, is further aggravated, in this instance, by the offences, provided for in Sect. cclxxxiii and cclxxx ; and that, consequently, the combined penalties of the three crimes, which distinguish the Tientsin massacre, attaches in the most aggravated form to the latter.

217. The Chinese Code lays great stress, and properly so, on “previous contrivance”, whilst, as a rule, it restricts the application of the heaviest penalty of the law, in any given case, to the “principal offender” or ringleader, inflicting on his “accessaries” or accomplices, actual contributors towards the crime, only the next-heaviest punishment, and one, yet a degree less in severity, to other accomplices, if there be any. Thus, in reference to a case of unpremeditated homicide for the sake of robbery, the Code provides that :—

¹ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., Appendix p. 554, Div. vi, Book i, Sect. cclvi, Clause i of Code.

² Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., Div. i, Book ii, Sect. xlv.

If the homicide has been perpetrated, and the booty likewise secured, the principal and all those accessaries who have contributed to the perpetration of the murder, shall suffer death by being beheaded immediately after conviction. All the other accessaries shall likewise suffer death by being beheaded, but not till the usual period of capital executions. Other individuals subsequently sharing in the booty, shall be punished with 100 blows and banished perpetually to the banks of the river He-lung-kiang in Tartary.³

The general principle, however, here in question, is laid down in the following terms of Section xxxix :—

Those, whom the law declares to be considered as participators in an offence, shall suffer the punishment incurred by it, but without including any circumstances of aggravation, which are personally applicable to the principal offender only ; and in the case of capital offences, the participators in the offence shall only receive one hundred blows, and suffer perpetual banishment to the distance of 3000 lee :—they shall, moreover, not be liable to be branded for their participation in any offence so punishable.

*In cases, however, of bribery and wilful contrivance, all participators in the crime shall participate in the punishment to its full extent.*⁴

In the whole of these enactments there is perfect harmony and consistency, and neither the spirit nor the letter of the law of China, as applicable to the Tientsin massacre, leaves any room for doubt whatsoever.

218. Waving, then, the recognized Chinese rank as an official, corresponding to the late M. Fontanier's rank as a Consul of France, assuming the victims of the crime in question to have been common subjects of China (37, *r*), and considering, that *massacre* is by the Penal Statutes of the Empire recognised as one of the ten heinous crimes, punishable with the utmost rigour of the law, and excluded from the operation even of a general Imperial pardon ; that the massacre of Tientsin vastly exceeded in enormity a case such as was contemplated in the Code ; that many more than twenty adult persons, men and women, were by previous contrivance intentionally, and premeditatedly murdered, and barbarously mutilated ; that a great number of children were suffocated on the occasion ; that the massacre was aggravated by wilful and premeditated incendiarism, as well as by robbery ; and that many hundreds of

³ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., Appendix, p. 560, Div. vi, Book ii, Sect. cclxxxii, Clause iii of Code.

⁴ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 40, Div. Book i, Sect. xxxix of Code.

people were assembled, aiding and abetting the same: it is plain that, by the statute-law of China, every participator in the massacre had incurred the penalty of "death by a slow and painful execution"; every accessory to the crime the penalty of "death by being beheaded, immediately after conviction",—"the heads of all the criminals, as soon as struck off, being placed on pikes and exhibited as a public spectacle—"; other accessories the penalty of death by strangulation or of transportation for various terms, after suffering the inflictment of 100 blows with the heavy bamboo; and that the guilty, should, one and all, have been sentenced accordingly. A dubious technical point of law it might possibly be considered, whether the massacre should, in a legal sense, be regarded as one combined act, and all its victims, consequently, as members of one household; or whether, looking upon the various groups of murders as separate acts, those of Mr. and Mrs. Chalmaison should be taken as cases of "wilful murder" only: but it is unquestionable that the spirit of the whole Chinese Code views the massacre and all its attending circumstances in the light of one inseparable act, determined by previous meditation and contrivance and carried out in the presence of a seditious multitude; and Tsêng Kuo-Fan himself has not viewed it differently. Nor can the penalties, by the statute-law of China provided for a crime so enormous, be judged severe, inasmuch as, by the same law, "When a robbery is actually effected, all the individuals concerned in the commission thereof, shall be beheaded, whether participators or not in the booty, and however small may be the total amount of the plunder".¹ True, in the next-succeeding Section on "Robbing in open day", it is stated that the punishment shall in no case become capital, unless there are other aggravating circumstances; but, it is fully explained that the former Section cclxxvi is understood to apply more particularly to cases, in which a number of persons had, for the express purpose of committing a robbery, assembled together and provided themselves with offensive weapons; whereas in the succeeding Section

¹ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 280, Div. vi, Book i, Sect. cclxvi of Code.

² Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 281 and note.

ccxxviii, all circumstances of aggravation are supposed to be wanting. Moreover, it is added, that the magistrates, in such cases, are allowed a discretionary power in adopting the more or less severe law, according as the attending circumstances of each particular case are, upon a general view, more or less atrocious.²

219. Our next inquiry must be: who, according to the laws of China, were the guilty in the massacre, perpetrated at Tientsin? and: were, on the part of the local authorities, the proper means taken to suppress the riot, and to arrest the offenders and have them duly brought to justice? The fact that the massacre was, for at least a couple of weeks previously to its consummation, publicly discussed, and several days beforehand announced to take place on a stated day, by public placards, which possibly could, and did, remain no secret to the local authorities, proves, independently of other conclusive evidence, that there was both "contrivance and premeditation", involving the local authorities inasmuch as they, at variance with their duty, took no notice whatever of those public placards, tending to, contemplating, and provoking, the commission of crime. Now, the commentary to Section ccxxxii of the Code, in reference to a simple case of wilful murder, reads:—

When contrivance and premeditation are proved against any person by competent testimony, such proof will be sufficient to convict such person, as one of the original contrivers, and *such contrivance will be considered to amount to a personal concurrence in the perpetration of the crime*: those who afterwards concur in the actual commission of the murder, will be severally punishable as accessaries aiding and abetting the previous contrivance, *although not personally privy thereto*:—Thus, under a charge of this nature, for the destruction of one man, the lives of many may happen to be legally forfeited. In order to convict any person of the crime of a preconcerted homicide [wilful murder], it must be proved that death has actually ensued; but it shall make no difference whether death ensued instantly, or after any lapse of time, provided there be always sufficient evidence of a previous contrivance.³ The Commentary adds:—If A consults with B concerning a plan of murdering a third person, against whom he, A, has an enmity, and B, in consequence, invents or devises a scheme for effecting the same, A will still be deemed, and punished as, the original contriver.⁴

² Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., Appendix, p. 562, Div. vi, Book ii, Sect. ccxxxii, Commentary, of Code.

⁴ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., Appendix, p. 562, Div. vi, Book ii, Sect. ccxxxii, Commentary, of Code.

In accordance with this, the Penal Code, Sect. xxx. lays down the following general principle:—

When several persons are parties to one offence, the original contriver of it shall be held to be the principal, and as such suffer the punishment, required by the laws, in its full extent: (the rest who followed, and also contributed to the perpetration thereof, shall suffer the punishment next in degree, under the denomination of accessaries).¹ [Compare the concluding paragraph of Section xxxix. cited above (217)].

In order to seize the full bearing of this object, it will be necessary still to quote from Section lviii. of the Code:—

Whoever, with malicious design, provokes and excites by artful language any person, as yet innocent of a capital offence, to commit murder, shall for such offence suffer death, by being beheaded after the usual period of confinement.²

This relates to an ordinary case of wilful murder. Applied to the Tientsin massacre, the above provisions of the Chinese law show, that the latter holds every one, who has, knowingly and designedly, been instrumental in bringing that massacre about, whether by consulting together, devising, scheming, or inciting language, to be a participator in the crime, subject to its full penalty, *i. e.* death by a slow and painful execution.

220. It will have been noticed, from what precedes, that, in Chinese law, the crime of *massacre* answers to what, in English law, used to be distinguished from ordinary cases of wilful murder as *petit treason*. abolished only in the ninth year of King George IV; and that the general principles of the criminal law of both countries offer many points of analogy. The responsible Tientsin authorities were the Chih-s'ien, a man of little education, who purchased his promotion in 1868; the Chih-fu, a reputed *protégé* of Tsêng Kuo-Fan's, who was appointed to Tientsin in April 1870, and at once made known his strong anti-foreign sentiments, and his contempt for international treaties, the observance of which he ascribed only to the pusillanimity of his predecessors; the Tau-tai, who would seem to have taken no very active part in regard to the massacre; and Chung-'Ho, the Imperial Commissioner, who, at variance with his acts, professed great partiality for foreigners, and succeeded in

¹ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 32, Div. i, Book i, Sect. xxx of Code.

making them believe in his sincerity. The passive culpability of the two former magistrates has been acknowledged by Tsêng Kuo-Fan, the Board of Punishments, and the Chinese Government; they having, nominally at least, been sentenced to banishment. Consequently, on the same legal grounds, the Tau-tai and Chung-'Ho, whose responsibility was greater in proportion to their higher and more responsible position, are at least equally, if not to a greater extent, culpable. But the guilt of all those authorities, as well as that of General Chên Kuo-S'ue, is by no means of a merely passive nature. The^a reliable evidence, collected by M. de Rochechouart, H. M. Consul Mr. Lay, the revds. Jon. Lees, William N. Hall, C. A. Stanley, and others, on which our narrative of the massacre (196—199) is made to rest, establishes, in a most satisfactory and conclusive manner, their active, inciting, and directing complicity. Without entering into the whole of that evidence, as yet not available in an official form, we desire here to call attention only to a few of the leading points in general historical succession.

221. Evidence as to complicity *before the fact*.—In Chinese as well as in English criminal law, there is no rule laid down upon the subject of the degree of incitement used, it being inferred from, and proved by, the result that it was sufficient to effectuate the evil purpose contemplated. But this purpose, in the case under consideration, was publicly and universally known to the native population of Tientsin from the public placards previously alluded to (219), and the exhibition of which upon public walls in the city had *necessarily* become known to the Chinese local authorities, even assuming that such placards were, in the first instance, posted without their knowledge. The purpose in question was: the massacre of foreigners. Hence, every attempt, whether direct or indirect, to incite the populace against foreigners under those circumstances, constituted a direct attempt or "contrivance" to incite "with premeditation" to the murder of foreigners, *i. e.* to their "massacre". Now, the official proclamation against kidnapping, issued by the Chih-fu (190) who openly professed enmity to foreigners (220),—

^a Ts Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 60, Div. i, Book i, Sect. lviii.

and a similar proclamation was issued also by the Chih-s'ien—three or four days previously to the massacre, was of a nature so inciting against foreigners, and so clearly understood by the Chinese was its tendency and purport (195), as to induce the protest of the Rev. Jon. Lees, and the repeated remonstrances of H. M. Consul Mr. Lay, officially addressed on the subject to the Imperial Commissioner Chung-'Ho (196), who, wilfully and in defiance of treaty-stipulations (Brit. Tr. Art. xviii; French Tr. Art. xxxvi (201); Brit. Tr. Art. liv) disregarding and leaving unnoticed those remonstrances, thereby made himself a party to, and co-responsible for, the Chih-fu's proclamation, its "artful language" and its "malicious design" (219). A second and direct proof of premeditated incitement to the advertised massacre, against the Chih-fu and the Chih-s'ien, is the unlawful¹ execution of the two natives accused of kidnapping, as already explained (195); and which at the same time constitutes a second indirect proof against Chung-'Ho, as well as such a proof against the Tau-tai, because the Penal Code of China ordains that: "when any sentence of *capital* punishment which is *in any respect* unjust, is wilfully and knowingly pronounced and executed, there shall be no deduction whatever in consideration of the prisoner being in some degree guilty, and the officer of the Court principally responsible shall be punished with death, in the same manner as the unjustly condemned and executed prisoner".² And again Section vi. prescribes:—

When any officer of government at court or in the provinces commits an offence against the laws in his public or private capacity, his superior officer shall, in all cases of importance, draw up a distinct specification thereof for the information of the Emperor, and it shall not be lawful to proceed to try the offender without the express sanction of His Majesty.

The trial and examination having taken place conformably to the

¹ "The trial and investigation of the offences of all prisoners in custody, shall be effected with clearness and precision, by the authorities to which they are respectively subject; those who are in a lawful manner convicted of offences punishable with banishment, temporary or perpetual, ordinary or extraordinary, shall be severally ordered to their destination, each conformably to his sentence, by the governor of the city or jurisdiction in which they were condemned. But in all cases of a capital nature, the trial and investigation of the alleged offence, shall be renewed, if at Pekin, by the courts of judicature; and if in the provinces, by the respective viceroys and sub-viceroys thereof, in order that it may be ascertained with more than ordinary care and deliberation, that no error nor injustice has been committed: when the sentence

Emperor's orders, His Majesty shall be again advised by a due report of the result, after which a rescript of one of the supreme tribunals shall be sufficient authority for passing and executing the sentence which the law requires. ³

A silent concurrence in the illegal execution here in question, and the neglect of reporting the case to the Emperor clearly amounts, under the circumstances, to a participation in the wilful act of inciting to the massacre of foreigners, with a view to which the execution was ordered. A third and direct proof against the three local magistrates and Chung-'Ho is furnished by the visits of the former to the French Establishments, mentioned with reference to their purport and effects in a preceding article (195), by order of the Imperial Commissioner. The latter fact, which Tsêng Kuo-Fan and Chung-'Ho themselves saw occasion to explain in their joint Report to the Emperor (210), we learn from this very document. "As to the action of Your servant Chung-'Ho", it states, "when the criminal Wu Lan-Chên had by his confession implicated the foreign establishments, in sending the local magistrates to inspect the premises, it was done with a view to remove the suspicions of the populace. Lately, in Kiang-nan (Nanking), there were similar rumours about the religious establishments kidnapping people, and a precisely similar course was taken". Now, the truth is that at Nanking only one visit was paid, which, like the first visit paid at Tientsin, had not the effect of "removing the suspicions of the people", but that of greatly adding to the already prevailing excitement, just as it did in the latter city; that in "the Southern Capital" no public placards had been posted, appointing for the massacre of foreigners the day of the summer-solstice, as was the case in Tientsin; that, in Nanking, the first visit was followed by

is thus confirmed, a final report of the circumstances and of the judgment pronounced, shall be transmitted for the information of His Imperial Majesty". (Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., p. 451, Div. vi, Book xi, Sect. cccxi of Code).

² Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 448, Div. vi; Book xi, Sect. cccix of Code.

³ Ta Tsing Leu Lee, translated by Sir George Staunton, London, 1810, 4to., p. 9, Div. i, Book i, Sect. vi of Code.

the proclamation of Ma, immediately restoring order and tranquillity; and that, in Tientsin, Chung-'Ho issued no such proclamation, which would at once have re-established, as it did at Nanking, tranquillity and order, but, with the exciting effects of the first visit before him, ordered a renewal of the visit, which was followed by the massacre. Had, in either case, the object of those visits been to remove the suspicions of the people, the magistrates would in due course have issued notices, and, more especially on the last occasion in Tientsin, have addressed the expectant and excited multitude, in that sense. As it was, the facts alone, in which their visit resulted, can serve to prove its true object, as they prove the falsity of empty and unsupported professions, subsequently invented by the guilty authorities to "snow over" (210) their "malicious design". Similar reasoning, so far as His Excellency Chung-'Ho is concerned, applies to a fourth direct proof of complicity in the massacre, before the fact, against him, the Chih-fu, and the Chih-s'ien, contained in the following passage from M. de Rochechouart's Memorandum. "It is clear", he states ¹ "that the conduct of the Chih-fu and Chih-s'ien was the result of a deliberate project; for, on the evening before the massacre, they went to Chung-'Ho, to sound him and to try to gain him over to their cause. Chung-'Ho answered that the morality of the Christians was pure; and that, as the exercise of their religion did not disturb order, he did not see why they should be persecuted. Unfortunately, Chung-'Ho's wise advice was not listened to". The source of M. de Rochechouart's knowledge of the fact and the Imperial Commissioner's "answer" can hardly be doubted. To the apologetic part of our quotation we shall presently revert. What would seem to have escaped M. de Rochechouart's notice is, that, according to Chinese law (219), three persons consulting together respecting the execution of a massacre, which thereupon is carried into effect, none of them hindering, become participators in the crime; that these three persons were Chinese magistrates and officials; and that two of these were the subordinates of the third, Chung-'Ho, *under whose*

¹ "Memorandum by Count Rochechouart on the events at Tientsin", published in "A Reprint of Letters regarding the Tientsin Massacre from the North-China Daily News" No. ii. Shanghai, 1870, 8vo. (pp. 32-36). p. 35.

personal orders, as we have just seen from his own and Tsêng's Report, they had been acting, in reference to the publicly announced massacre, on the day before, and acted again on the morning after, their criminal consultation. Here again, the attending circumstances and the resulting facts disprove the empty and unsupported professions as to the part taken by Chung-'Ho in that consultation, and which he subsequently only invented for the intelligible purpose of covering his guilt.

222. Evidence of complicity *in presence of the fact*. As M. Contris is the only surviving European, who was present at the scenes, and at the early scenes alone, of the massacre: the evidence which goes to show that the Chih-s'ien, the Chih-fu, and General Chên Kuo-S'úe directly incited, and led the multitude on, to murder and incendiarism, rests on verbal native testimony. In the case of the two former officials it is hardly needed, their participation in the crime as accessaries before the fact having already been clearly established; in the case of the latter, it is the only evidence we possess. So simple in its nature, however, so clear, direct, and accordant in its character, is this evidence (198), as to place Chên's "personal concurrence in the crime" by the law of China, and the penalty of "death by a slow and painful execution" attached to it, beyond a doubt. As to Chung-'Ho, two or three more grave points of accusation against him, relate to this period. The first consists in his refusal, on the personal and official application (197) of M. Fontanier as the recognized Consular representative of France, for the protection, under Art. xxxvi. of the French Treaty of Tientsin, of the lives and property of French subjects exposed to eminent peril, and for "the immediate despatch of an armed force to disperse the rioters" (201): combined with the fact on the one hand, that he had, at the time, such a force at his disposal, since, on the morning following, he offered to send six-hundred European-drilled troops for the protection, *i.e.* the military occupation, of the Foreign Settlement (20); on the other hand, that he knew the massacre to have been contemplated (219,221) and, with a view to it, the riot to have commenced. A more direct proof of "contrivance with premeditation, amounting to a personal concurrence in

the perpetration of the crime" (219), could hardly be demanded. The plea, subsequently advanced by himself and Tsêng Kuo-Fan, "that it was not in human power to quell the riot after it had once commenced" (214), idle in itself, could only have held good, if every means in human power had actually been tried and had been found to fail. Another point of indictment against Chung-'Ho at this time is, that he "with premeditation contrived" the death of M. Fontanier and M. Simon (197). It is true, he subsequently asserted, that he had used his best efforts to persuade the French officials to remain quietly in his Yamên; but that this is but another idle story, subsequently invented by him to cover his guilt, appears from the circumstance that the ground, on which he refused to order out a military force for the protection of the Consulate, was: there being no cause for the apprehension of danger; and that he persisted in the deliberate untruth of M. Fontanier having discharged his revolver at him while under his roof,—a statement with which the former assertion is utterly irreconcilable. Besides, as manifestly as it was M. Fontanier's duty, not to keep himself concealed in the Yamên of a Chinese official, but to return to his post at the threatened French Consulate; as manifestly it was the duty of Chung-'Ho, to insure his safety by a sufficient military escort; instead of which he sent with him the Chih-s'ien, *who, but a few hours earlier, had been in consultation with himself concerning the massacre of foreigners, and thus consigned M. Fontanier and M. Simon to a certain death* (197). A third charge against the Imperial Commissioner is, that, at the commencement of the riot before the French Consulate, he ordered the bridge-of-boats, which a little higher up the river, connects that side with the southern one, on which, farther down, the Convent of the Sisters and, still further down, the Foreign Settlement is situated, to be opened, so as to interrupt the principal communication between the Consulate and the Settlement. Referring to a somewhat later period of the day, M. de Rochechouart in his "Memorandum" states: "Chên Kuo-S'úe, on his private authority, caused to be let down [to be closed] the bridge which Chung-'Ho, animated by a good intention, had opened". The Chargé d'Affaires of France is not fortunate in his apologetic efforts in favor of Chung-'Ho.

The escape of foreigners to, and the danger of their communicating with, the Bamboo-grove Settlement by way of the north side of the river, had, as shown by the murder of the Russians, been carefully guarded against. The rioters had no wish to be interrupted or thwarted in the "patriotic" work (210) before them. With the same ends in view, and lest the alarm should be conveyed to the Sisters of Mercy, and induce their flight, the double ferry, previously alluded to, had been taken possession of; for the same purposes—not for that of preventing the rioters to pass, a hypothesis too palpably absurd to be seriously or rationally entertained,—the floating bridge had been opened: and the order to this effect having been given by Chung-'Ho, not only proves once more his immediate complicity in the massacre, but,—combined with the circumstance that, as appears from his own proclamation of June 22, both the civil and military authorities of Tientsin were under his orders; that the magistrates came to consult with him as their superior officer on the eve of the massacre; that they were present at his Yamên during the massacre under his orders ready to obey and obeying them; that the signal for the attack proceeded from his Yamên; and that it was he also, who ordered the magistrates to visit the French Establishments before the massacre, and ordered the armed party, who were marching to the attack of the Foreign Settlement after the massacre, to desist from their design,—*it proves him to have exercised the supreme direction in carrying out the massacre from first to last.*

223. Evidence as to complicity *after the fact.* Section cclclxxxvii of the Penal Code of China provides that:—

All persons who, after having entered into the service of government as constables, bailiffs, thief-takers, or in any capacity of that description, at any time allege pretexts for excusing themselves from the duty of pursuing and seizing offenders; or do not actually pursue or seize those offenders, with the place of whose retreat they are acquainted, shall, in each case, be liable to the punishment next in degree to that which is due to the offender, or to the most guilty of the offenders, if there should be more than one, whom their neglect had occasioned to remain at large.¹

¹ Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., p. 420, Div. vi, Book x, Sect. cclclxxxvii of Code.

The same principle applies to the magistrates, who neglect their duty in ordering offenders, more especially in cases of a great crime, to be taken up and brought to justice. Their warrants are supposed to be issued without delay, and, provided that within thirty days after the date thereof, the principal offenders, and the majority of their accessaries are in safe custody, the penalty, above alluded to, is remitted. Now, it is a notorious fact, that, after ample time and opportunity to abscond had been given to those participators in the Tientsin massacre, who might think it more prudent to get out of the way of "justice" for a while, the only persons, actually apprehended within the limit of time allowed by the law, were a few braves and thieves belonging to the very rabble of the population. Their number was subsequently increased; other individuals of the lowest caste, willing to sell their lives, were added; and of the "trial" and execution of these poor wretches we shall presently speak. But neither of the *litterati* at the head of the fire-guilds and volunteers, nor of the members of these organised bodies, nor of the members of other corporations, nor of the soldiery, all of which classes are positively known to have taken leading parts in the massacre, has ever a single person been so much as arrested, although from the fact, that numerous yamên-runners were every where present, they must have been perfectly well acquainted with the chief actors in the riot and their places of residence, individually. It is, therefore, unquestionable that, as accessaries after the fact also, the Tientsin officials, together with their subordinate officers, have rendered themselves liable to the penalty of death, by designedly shielding from justice the perpetrators of the crime.

224. And what still further tends to aggravate "the artful language and malicious design" of those, who incited the populace at Tientsin (and elsewhere) against foreigners, with the sole object of carrying out their own objects as in accord with the higher political objects of their employers, and of securing their personal safety at the risk or the sacrifice of the lives of the people whom they

¹ Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., p. 290, Div. vi, Book i, Sect. cclxxv of Code: "Kidnapping, or the unlawful Seizure and Sale of free Persons".

deceived, is the fact that they *knew* the inciting accusations, which they brought against the missionaries, to be false. We allude to the accusation of their employing native kidnappers for criminal purposes. Now, the law of China regarding kidnapping, *i. e.* "the unlawful seizure and sale of free persons" is this:—

All persons who are guilty of entrapping by means of stratagems, and enticing away under false pretences, a free person, and of afterwards offering for sale as a slave such free person, shall, whether considered as principals or as accessories, and whether successful or not, in effecting such intended sale, be severally punished with 100 blows, and banished perpetually to the distance of 2000 *lee*.

All those who are guilty of entrapping, or enticing away any persons in the manner aforesaid, in order to sell them as principal or inferior wives, or for adoption, as children or grandchildren, shall, if considered as principals, be punished with 100 blows, and three years banishment.¹

It will be observed that the Chinese Code recognizes the legality *per se* of selling and buying human beings; and that the crime of "kidnapping" consists in this, that possession is obtained of a *free* person *without a remuneration* to, and the *consent* of, those who have the right to dispose of him or her, and by illegal means; and that such possession of a free person is obtained with the intention, and for the purpose, of lucre by *selling* him or her *as a slave*: a distinction being made in the degree of culpability, on the part of the kidnapper, if a principal, whether his object was to sell the stolen person for a common slave, or either for adoption, marriage, or concubinage. No one, who buys a Chinese person, unless he *knows* that person to have been kidnapped, is liable to punishment.² Now, the Authorities and *literati* of Tientsin are perfectly aware, that, in receiving and taking care of native children and adults, the foreign missionaries neither are, nor can be, subject to so much as the shadow of a suspicion contemplating any of the objects referred to; and that even a slave, by the very act of purchase by, or for, a Western man, is restored to freedom. Hence, if the mere charge of kidnapping, or employing natives to kidnap on their behalf, had been brought against the missionaries, it would have fallen to the

² On this account, too, it is that the Shan-hai Chih-s'ien threatens "those who *knowingly* take such [kidnapped] women for wives or concubines, ... shall be punished with twofold severity" (193, 1); that is, according to the blustering anti-foreign Chinese official, they shall, illegally, be "beaten till they [twice] die beneath the rod".

ground of itself; and hence, the charge actually brought against them, was that of employing natives to kidnap persons "for the purpose"—to use the words of the Chih-fu Chang—"of extracting their brains, eyes, and hearts, to compound drugs" (195). That is to say, the real accusation, preferred against the foreign missionaries, is: the *wilful, premeditated, and systematic murder* of Chinese children and adult persons, with the view of using parts of their bodies for medicinal purposes, and to steal, and entice whom by drugs and magic into their houses, they employ native kidnappers. Of this accusation, officially brought against the whole missionary body by the magistrates and paid servants of the Chinese Government, and by the official and literate classes of China circulated throughout a large portion of the Empire, that body stands as yet exonerated only in part, in dubious language, and in non-promulgated "notifications", of which we shall presently speak. But, with a charge of such a nature, associated with other grave accusations, hanging over the Christian missionaries in China, can their work be reasonably expected to prosper, and their teaching to fructify? It appears to us to behove all Missionary Societies of the West, of whatever country and whatever denomination, to bring their united influence to bear upon their respective Governments, with a view to the complete, satisfactory, and positive settlement of this matter. Without it, they may as well withdraw their ministers at once from "the Flowery Land"; devote their resources to a less desperate cause; and leave China and "nearly one half of the human race" to its heathenism and Buddhism.

225. The Articles of the British Treaty of Tientsin, relative to the right of extrterritoriality, and which we have already had occasion to cite (154, 1), suggested, and involved in practice, a kind of combined administration of justice in all cases, in which the complainant and the defendant are not of the same nationality. Hence, the establishment of "the Mixed Court" of Shanghai, in 1866, from the "Proposed Regulations" of which we quote the Preamble and two first Rules:—¹

¹ Documents, published for general information by an order, dated January 1, 1866, of the Mixed Court in Shanghai, Chinese and English, fol. p. 10.

PREAMBLE.—It having become desirable that a Court should be established within the *Foreign Quarter* at Shanghai with Criminal and Civil Jurisdiction over Chinese and Foreigners not subject to the jurisdiction of a Consul, it is proposed that such a Court be constituted under the following General Rules.

RULE i.—The Chinese Government² will appoint an officer to conduct the proceedings in the said Court either by *himself* or with the assistance of assessors in the manner hereinafter provided. The said Court will sit daily except on Public Holydays at a place to be appointed in the Foreign Quarter, and will be always open to the Public, Native and Foreign.

RULE ii.—The said Officer will record in the Chinese language and under his seal full minutes of the proceedings in his Court, and an Interpreter approved by the Consuls of the Treaty Powers may attend the Court to interpret and to keep an European record of the proceedings.

In cases, in which British subjects are concerned, it is at present H. M. Acting Vice-Consul, Mr. Davenport, one of the by far most able and most promising members of the English Consular Body in China, who sits in this Court with the Chinese Magistrate Chên, Sub-Prefect of Shanghai; the contemplated appointment of a special officer by the Tsung-li Yamên having as yet not been carried out. The same principle applying preeminently to the case of the Tientsin massacre, it is obvious that, had the Chinese Government really intended to see justice done in this "rioting and brawling affair", the Tsung-li Yamên would have invited the Foreign Ministers in Peking to appoint competent assessors to participate in, or at least to watch over, the legal inquiry, which was about to be entrusted to Tsêng Kuo-Fan and Chung-'Ho. On the other hand, we cannot conceal from ourselves that, if the Chinese Government neglected, as it manifestly did, its duty in this respect: the Foreign Ministers, directly interested in the massacre, were guilty of a far more culpable neglect of duty, if they failed, as, with the exception of Baron t'Kint van Roodenbeek, they would seem to have done, to *demand* being represented at the impending "investigation". Under any circumstances, what alone has transpired of the proceedings are the results, as communicated by the Tsung-li Yamên to the French Chargé d'Affaires, M. de Rochechouart.

226. On a comparison of those results with the positively

² Instead of "the Chinese Government", the Chinese text reads: "The Authorities of the Central State".

ascertained and well-established facts of the case, and the existing statute-law of China applied to them (215-223), we find the former, from whatever point of view considered, to partake of a character unsatisfactory in the extreme. Of all the various officers of Government, implicated in the Tientsin massacre, and who had clearly incurred the penalty of death, the Chih-fu and Chih-s'ien alone are found guilty. But, in defiance of the most conclusive evidence, they are found guilty only of "having failed to preserve order, and to arrest the offenders with due promptitude", instead of "contrivance and premeditation amounting to a personal concurrence in the massacre"; and, instead of being, in accordance with the provisions of the Penal Code, sentenced to "death by a slow and painful execution", they are—*simply degraded*. Have they not, then, been sentenced "for the sake of making a public example, to the severest punishment prescribed by the law, *i.e.* to banishment to the military settlement on the Amur, where they are to redeem their offences by an energetic discharge of their duties"? Certainly, they have. *Nominally* they have been thus sentenced, and, not on account of their participation in the massacre, but *on account of disobeying an Imperial mandate*. We learn all this from another Imperial mandate, of which the following is a published translation:—

As the Prefect of Tientsin, Chang-kuang tsaou, and the magistrate, Liu-chieh, took no efficient measures to prevent the riots which occurred in that city between the people and Christians, and also failed to arrest the offenders with due promptitude, we had already issued our Imperial mandate, ordaining the degradation of these officers, and their transmission to the Criminal Board to receive the punishment due for their offences. Afterwards Tsêng-kwo-fan and others took the deposition of these degraded officers and sent them in custody to the above-mentioned Board. The Board has now forwarded a memorial to the effect that it has sentenced these prisoners to the most severe punishment prescribed by the statute in cases where the local civil officials are unable to suppress rioters and protect orderly persons, *viz*: to redeem their faults by an energetic discharge of their duties at a place of banishment on the frontiers. Also the Board, on account of the extreme gravity of the case, request our instructions as to the place of banishment, and the nature of the duties to be performed. The circumstances of the case are considerably aggravated because, in the first place, it was in consequence of the failure of the Prefect and Magistrate—the officials responsible for the peace of the locality—to take efficient measures for the repression of the riotous crowd at Tientsin, that the

villains had the opportunity of killing a number of people by fire and sword ; and again, they failed afterwards to effect the arrest of the offenders with due promptitude. Moreover, after an Imperial mandate had been issued ordaining that these degraded officials should be handed over to the Criminal Board, for punishment, Chan-kuang-tsaou had the audacity to flee to Shunte and Liu-chieh to Myun, in which places they lingered, in utter defiance of the law. Wherefore, for the sake of making a public example, we hereby order that these offenders undergo the most severe sentence prescribed by the law, viz. banishment to the Military Settlement on the Amur river, where they shall redeem their offences by an energetic discharge of their duties.

Now the people of Tientsin, when their passions were aroused by suspicions, instead of conforming to the repressive measures taken by the officials, straightway murdered upwards of twenty persons ; and, more brutal still, killed the Sisters of Mercy in a barbarous manner ; wherefore Tséng-kwo-fan has now arrested and tried the offenders, and has passed upon them, in advance, in accordance with the respective measures of their guilt, viz ; Fung, "the lame," and fourteen others to capital punishment, and Wangwoo "the little awl" and twenty others to different classes of banishment.¹

The circumstance that neither here nor in the Tsung-li Yamên's despatch to the French Chargé d'Affaires any *term* of banishment is named, would alone suffice to show that, as we have remarked before, the sentence is a purely nominal one. Indeed, it is currently reported, that both officials are gone home ; and the probability is, that they have already been promoted to some higher post in one of the interior provinces. For a due understanding of the Imperial mandate generally, the reader will recall to mind Section vi of the Penal Code, quoted above (221).

227. The punishment of simple decapitation, awarded to those actually condemned to death, is also at variance with the provisions of the Penal Code ; it should have been : "death by a slow and painful execution, and that the heads of the criminals, as soon as struck off, be fixed on pikes and exhibited as a public spectacle". No one will for one moment imagine, that we would wish to have seen such a sentence executed : our sole object is to point out that, in this case too, the law of China has not been applied to those malefactors, who are asserted by the Chinese authorities themselves to have personally concurred in the massacre and its attending horrors. The same remark holds good in reference to those,

¹ "The Shanghai Evening Courier", for October 17, 1820.

sentenced to banishment "for stealing and wounding". They, being accessaries to the great heinous crime in question, should have been *at least* condemned "to be beheaded immediately after conviction, the heads, as soon as struck off, being fixed on pikes, and exhibited as a public spectacle", such being the penalty for a mere *attempt* at robbery, in a case where "any individual is killed, a house burned, a female violated, or a hundred persons are assembled, aiding and abetting the same" (216). Nay, setting the connection of the crime with the massacre of Tientsin altogether aside, the law expressly declares:—

When a wound is inflicted with the intent to commit murder, and for the sake of obtaining plunder, the object being also accomplished then, although the wound should not prove mortal, the principal offender shall suffer death by being beheaded immediately after conviction: accessaries striking a blow, or otherwise directly aiding and abetting, shall likewise suffer death by being beheaded at the customary period. All other accessaries shall be banished perpetually to the banks of the He-lung-kiang in Tartary. Those who were not concerned in the crime, but subsequently shared in the division of the booty, shall each suffer 100 blows, and be banished perpetually to the distance of 3000 lee.¹

Nor is this all. There is reason to suspect, that the rabble, headed by Wang-Wu, nick-named "the little awl", are common gangs of thieves, condemned for offences partly, if not altogether, unconnected with the Tientsin massacre; and that they have by Tsêng Kuo-Fan and the Tsung-li Yamên only been made use of to swell "the list of punishments".

228. As regards the twenty persons, sentenced to death, and sixteen of whom were executed on the 19th of October, four long months after the massacre,² we should remark that life is cheap, and superstition strong, in China. For a few hundred taels as a compensation to their family, a set of new clothes to start in for the spirit-world, a handsome coffin, and a decent funeral, there are at

¹ Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., Appendix, p. 560—1, Div. vi, Book ii, Sect. cclxxii, Clause iii of Code.

² A series of more or less interesting letters, which have contributed largely to the formation of a more correct opinion, regarding the actual circumstances and the important bearing of the Tientsin massacre, the causes which led to it, and the general position of China in her relations with the West, on the part of the European public, appeared in "the Times" from its Shanghai correspondent, who is reputed to be the able conductor of 'the North-China Herald', R. S. Gundry Esq. In his letter of October 25,

all times men to be found willing to undergo the process of decapitation, and to confess to any crime, whether for "patriotic" or unpatriotic ends. A scrutinizing glance at the list of the condemned to death and their confessions, manifestly made up, unless wrung from them by torture which, so far as is known, has, exceptionally, not been had recourse to on this occasion, would alone have sufficed to create strong suspicions as to their being the real culprits: but when it is known, that, before the execution, those men were feasted; that they were led out to it dressed in silks and caps of the mandarin-shape; that their heads were carefully sewn again to the bodies; that they were buried as though they had been heroes and martyrs; that their families were paid each from Taels 200 to Taels 500 compensation money; and that Chung-'Ho, on his departure for Europe, left for each of them Tls. 100 additional,—our last doubt on the subject cannot but vanish. The four men alone, condemned for the murder of the Russians, and whose execution has been stayed at the demand of the then Russian Chargé d'Affaires in Peking, M. de Butzow, until proofs of their actual guilt shall have been furnished, are supposed to be at least *implicated* in the crime, to which they have confessed, if not as participators, certainly as spectators. It is now, however, reported that M. de Skattschkoff, the Russian Consul at Tientsin, has been convinced of their culpability, and that they, too, are to be executed forthwith. Thus, the principle of "a life for a life", which Tséng Kuo-Fan is said to have enunciated during an interview between him and the confidential adviser of the Tsung-li Yamén, Mr. Hart, in August 1870, will have been carried strictly into effect. No observation on such a principle is needed. In Chinese law it is distinctly laid down, that "for the destruction of one man, the lives of many may happen to be legally forfeited" (219).³ But, leaving

1870, written from Tientsin, Mr. Gundry mentions a fact, with which we were not acquainted, namely, that Mr. Lay, H. M. Consul, and since the massacre also Acting Consul for France, at that port, was invited by the Chinese Authorities to attend the executions; but that he, and very properly so, declined the invitation, not wishing to officially recognize any phase of a settlement, which was considered generally unsatisfactory.

³ Upon this point Mr. Gundry is in error, in stating in his letter of November 8, 1870, to "the Times", that the principle of a life for a life is one recognized in Chinese law.

Chinese law alone, the question to be determined by the Western Governments, and more particularly by those of France, Belgium, Italy, Russia, and England, will be: *whether, at any time, the public and premeditated massacre and inhuman butchery of their Consular representatives and diplomatic officers, of their Sisters of Charity and ministers of the Christian religion, of their peaceful subjects living under the protection of international Treaties, is to be expiated in China by the execution of an equal number of native coolies, whether guilty or not guilty, combined with a supplemental payment of blood-money at a graduated rate?*

229. From what has thus been said, it is certain that Tséng Kuo-Fan, and Chung-'Ho, in the Tientsin massacre, have, as special Imperial Commissioners, failed to administer justice in accordance with the law of China, and, by abetting that "heinous" public crime, have made themselves accessories to it, and incurred a heavy penalty according to the Criminal Codes of England and France, as well as by that of China. Both, however, belonging to the privileged classes, and the Chinese law prescribing:—

When any person entitled to privilege has committed an offence against the laws, a distinct specification thereof shall be laid before the Emperor, and it shall not be lawful to try or examine such person, until the receipt of His Majesty's express commands for that purpose.—The Emperor's commands having been received, the trial and examination of the offender shall be instituted, and a report made of the whole of the proceedings, for the information and final decision of His Imperial Majesty.¹

they would, in this case, even were an accusation laid against them, be safe enough from punishment. As for Chung-'Ho, a Manchu nearly related to the Imperial family; not only deeply implicated in the massacre, but, as we have shown, in all human probability, the directing principal in it (222); and, by the penal law of China, deserving of "death by a slow and painful execution": it was but natural, that he should use his entire influence to defeat the ends of justice. And this, in fairness to Tséng Kuo-Fan, leads us to inquire: What is the real position of the then Governor-General of Chih-li

¹ Ta Tsing Leu Lee, being the Fundamental Laws of the Penal Code of China, translated by Sir George Thomas Staunton, Bart., London, 1810, 4to., p. 7, Div. i, Book i, Sect. iv of Code.

² With certain classes of the inhabitants of Tientsin and of the Chinese *littérati* generally, the measures adopted by Tséng Kuo-Fan in connection with the massacre,

relative to the crime in question? Evidently, the task of investigation imposed on him was one of great, of very great difficulty. Powerful a mandarin as he is, he is after all but a servant of the Central Government; and what the wishes of, and his secret instructions from, that Government were, can hardly admit of a doubt. The fact that Chung-'Ho, the very official responsible to the Emperor for what had taken place was associated with him in conducting the inquiry, fettered his independent action from the outset, and speaks for itself. Unquestionably, on discovering Chung-'Ho's guilt, supposing him not to have been previously cognizant of it, Tsêng Kuo-Fan, as his superior officer, should have duly reported it to his Imperial Master: but Chung-'Ho being no less his Imperially-appointed associate in the inquiry, was he, the powerful Chinese mandarin, the idol and the hope of the Chinese people, feared and suspected, perchance, as much as honored on that account by its Tatar Rulers, to denounce his Tatar compeer, and adjudge a near relative of his Tatar Sovereign to the scaffold? was he, in a national cause, involving the national policy and the dynastic interests of the Government, to side with "the outer barbarian"? was he, for the sake of doing an act of justice to a Foreign Power, he loves not and has no reason to love, to forfeit the veneration of the Chinese people,² and his position in the State, nay, to risk *his own life*? It should be remembered also, that not Tsêng Kuo-Fan, but the Board of Punishments, and finally, the Central Government is responsible for the measure of justice, in mockery of justice, meted out to France, and the course pursued, relative to the Tientsin massacre, towards the Western Governments generally. It is true that, in a joint Report submitted by himself and Chung-'Ho to the Emperor, Tsêng speaks approvingly of the accomplished fact of a great public crime as a patriotic deed; but that *joint* Report was written under the peculiar circumstances just alluded to, and addressed to a Government, which had sanctioned, if not instigated, the massacre;

rendered him very unpopular; and the hero of Nanking was lampooned without mercy. So strong is this feeling still that, at the last examinations in Peking, the students, we learn, received Tsêng's second son with hisses, on account of his father's "proforeign tendencies"; and that Tsêng's friends prevented with difficulty his "complimentary tablet" from being taken down in the 'Hunan Club at Peking.

besides which, it must be borne in mind, that he feels and speaks as Asiatics and Chinamen do, and as a Chinaman, moreover, who imputes, whether rightly or wrongly, to Foreign Powers designs dangerous to his own country (177), and desires, from his standpoint not altogether without reason, to "wipe out the national shame", which he believes to rest upon China. Again it is true, that it was he who suggested to the Government the expediency of exciting the masses of the people against foreigners in support of a national policy; but, again, it is equally true, that it remained optional with the Chinese Government to act up to that suggestion or not; and that it alone is responsible for its acts. Nor does it by any means follow, that Tsêng Kuo-Fan contemplated the idea of a public crime, in connection with the measure proposed by him. The manly tone of his Memorial, in which he recommends to prepare for war, not for massacre, combined with the fact that he has never, like Chung-Ho, professed friendship for foreigners and acted the hypocrite in concealing his personal sentiments and political views in their regard, cannot but impress us favorably and lead us to the conclusion of his immunity from the imputation alluded to. Certainly, the circumstance, as we have already pointed out (201), of his removal as Governor-General from the Two Kiang to Chih-li before the massacre, and his re-appointment to the administration of the former province after it, is well calculated to create suspicion and doubt; but, assuming him to have been altogether unconscious of the crime designed by others, the fact in question would be fully explained by the desire of the Central Government to put his loyalty to the test; and, judging from all we have been able to gather respecting his character from those, who have known him personally and long, both Europeans and Chinese, we are inclined to adopt the latter view of the case. What tends to confirm it is, that, whilst the Central Government was preparing to pour an army of some thirty or forty thousand troops into Chih-li, the Governor-General of Chih-li, as we learn from the Peking Gazette of June 14, 1870, still

¹ We need hardly explain, in reference to our previous remark on page 455:— "Tsêng Kuo-Fan, as his private memorial had placed beyond a doubt, was, if not the originator, certainly a warm supporter of the movement set on foot", that we meant

memorialised the Throne, in favor of the re-organisation of the troops stationed in his province, and their increase to twelve thousand men. It is impossible to exonerate him, in connection with the Tientsin massacre, from culpability of the gravest nature, in lending himself to the miscarriage of justice and from a guilty indulgence in national prejudice: but whether, always assuming him to have had no share in the instigation¹ and execution of the crime under consideration, there are many Western men who, had they, *under the same Government*, been placed in the same position, would have acted very differently from Tséng Kuo-Fan, we must, with the difficulties of that position and the general merits of the case submitted to his own judgment, leave to the individual reader to say.

230. As regards the Chinese Government and the Tsung-li Yamên, their complicity in the massacre as accessaries after the fact is clearly proved by the Imperial edicts relative to it, and the official despatch from Prince Kung to the Representative of France, previously communicated (212). Whilst, at the opening of its first paragraph, assigning a positive cause for the public crime committed, and, at the conclusion of the third paragraph, declaring it to be unimaginable and incomprehensible, this despatch explicitly states, that the punishment of the Chih-fu and Chih-s'ien of Tientsin was decreed by the Peking Board of Punishments and approved, in the name of the Emperor, by the Chinese Government; such punishment being at positive variance with the laws of China (226). It further and explicitly admits, that those condemned to death and banishment, were simply "implicated in the affair"—the massacre; and that, consequently, *the actual perpetrators of the crime were, with the silent sanction, (if not by the express order,) of the Central Government permitted to escape*. We have shown above (221, 198), that the actual participation of General Chên Kuo-S'ûe in the massacre, and the legal penalty of "death by a slow and painful execution" incurred by him, admit of no doubt. In answer to M. de Rochechouart's official charge to the former effect against

by this movement the general agitation of the people, which, with or without Tséng's prevision, led to the Plot of the Summer Solstice; not that plot itself. Comp. the concluding sentence (202) p. 480.

that personage, a superior military officer of the State, His Imperial Highness Prince Kung drily states, in language as offensive to the Representative of France as to Count de Rochechouart personally, and with a cynical disregard for truth and unquestionable facts of which none but a Chinaman or a Manchu are capable, that Chên simply happened to be in Tientsin during "the affair" as a traveller and in ill health, and had no hand in it; adding: "It is, therefore, useless to say another word on the subject". Now, Prince Kung, the Emperor's eldest surviving uncle, speaks here in the name of the Chinese Government in his quality as President of the Imperial Commission, appointed for the General Control of Individual Tributary-States' Affairs,—a temporary Commission, as yet the only channel of official communication between the Central Government and "Foreign Ministers", *i.e.* certain Public Messengers from certain of the Imperial "Outer States", permitted for a while to sojourn in the World's Capital. Under these circumstances, the language of Prince Kung is, consequently, the direct language of the Imperial Government. And it says in terms, as distinct as the Tatar diplomatic tongue can utter them, that, "a General officer of the Imperial Army, on active service, may or may not have been proven to have taken a leading part in the Tientsin massacre: *we, the Imperial Government of China, simply deny the fact, accept its responsibility, and decline to discuss it*". Already, the Prince goes on to tell M. de Rochechouart in a truly insulting tone,—“already the Imperial Government has, by the execution of some sixteen coolies,” who, whether guilty or not, have been condemned to death, given ample satisfaction to “the national honor” of France, and, for the rest, it is willing to *pay* the 210,000 taels indemnity you demand, and a sum of 250,000 taels *blood-money* into the bargain”. As for Chung-Ho, Prince Kung does not even condescend to allude to *his* guilt, much less to the penalty of “death by a slow and painful execution”, which the laws of China award

¹ The Tientsin Massacre, being documents published in "the Shanghai Evening Courier", 2nd ed., Shanghai, 1870, 8vo., p. 20. ² *Ibid.*, p. 21.

³ This is also the opinion of Monseigneur De La Place, who expresses himself thus:—"For our part, we will never authorise any dictum that threatens to become an axiom, even a political axiom, in China, to the effect that all European affairs can

to his crimes: *and thus, for those crimes also, THE IMPERIAL GOVERNMENT HAS SILENTLY ACCEPTED THE RESPONSIBILITY.* It has done more. In order to insure, for a time at least, the immunity and safety of its agent,—had not the confidential adviser of the Tsung-li Yamén, Mr. Hart, “long before Dr. Martin came to Peking, translated for the Yamén that part of ‘Wheaton’ relating to rights of legation &c” ? —the Chinese Government appointed Chung-‘Ho Ambassador to France, *within a few days after the massacre*: for, already on July the first 1870, it was known at Tientsin, that “the Consuls had received a despatch from Chung-‘Ho, to the effect that he had been appointed by the Emperor to proceed to Paris” ; ¹ and three days later that, as had then been arranged, Mr. Meadows, Consul for the United States, Denmark, and Holland, was to accompany him. ² On the blood-money, which the Emperor’s compassion and generosity offer to France, we need here only remark, that, like the amount of indemnity for actual losses, it is ordered to be paid out of the Maritime Customs Revenue. True, a Chinese Prince, who can purchase a dozen of the handsomest women of his country for ten-thousand taels, and torture or kill them at his will and pleasure, may consider the murder of a French Sister of Mercy, whose life he would seem to value at that sum, a somewhat expensive luxury for the Government to indulge in: but, *is it not with the foreigner’s own money that the massacre of the foreigner is paid?* and even were it otherwise, what is a paltry half-a-million of taels, to the Chinese Government, in comparison with the unprecedented popularity and strength it has derived from the Tientsin massacre? *As a first experiment*, the Plot of the Summer-Solstice has, in spite of its partial failure, after all been successful, thus far, beyond even the most sanguine expectations of its projectors; and if that success be finally insured at the proffered cost: the Chinese Government would joyfully, at a similar cost, pay for the massacre of every foreign community in the land.³

be arranged or settled financially. To plunder and kill a European is no longer a difficulty so long as the Chinese have the money to pay. China has money in her Customs, and she is still ready to stipulate for our blood on the first occasion. The Tientsin indemnity negotiations are hardly closed, and see, M. le Comte, how reports are already circulated; look at the provocation contained in the petitions recently

231. The settlement, proposed by the Imperial Government, and by the Tsung-li Yamên represented as final, appears to have elicited from the Foreign Ministers in Peking a collective note expressive of their dissatisfaction with the terms offered.¹ To us, the entire matter seems to have been miscondacted on the part of those Representatives most deeply interested in it. M. de Rochechouart has evidently fallen from one grave error into another and graver one. In fact, the course pursued by him is, on the whole, next to unintelligible. The massacre, an international crime, concerned not France alone, but in principle at least, all the Western Treaty Powers equally. It is difficult to imagine circumstances, under which a united diplomatic action would have been more in time and place. Even with the whole power of France at his command, it would have been sound policy on his part, if not his absolute duty, here to insure such an action. Yet, although he himself, in his previously cited letter to Count Méjean, admits that, "on every occasion that he has had recourse to his colleagues, he has always found them, all of them without exception, ready to second his efforts": he chose to strike out and follow a path of his own. There weighs, in consequence, a heavy responsibility upon him. Instead of demanding from the first, and insisting on, the appointment of "a mixed Commission of public investigation (225) into the massacre, he himself proceeds to Tientsin, and, on his return to the Capital, upon the ground of personal inquiries instituted by him, prefers the truly preposterous demand for the execution of three public servants of the Imperial Government, whom he on his own private authority pronounces guilty of death, as though he were the sole and absolute Criminal Judge of China. "M. de Rochechouart", ...his Memorandum reads, "thinks it right to impart to the members of the Tsung-li Yamên and his colleagues the motives, which led him to insist that capital punishment should be inflicted on the Chih-fu, the Chih-s'ien, and on General Chên Kuo-S'ue".² Simultaneously he goes to the other extreme of pronouncing

addressed to the Emperor; look at the libellous and incendiary proclamations spread by the mandarins against the barbarians of the West".

¹ The Shanghai Correspondent of "the Times" in his letter of October 25, 1870.

Chung-'Ho, equally on his own private authority, innocent of any grave complicity in the massacre; shutting his eyes to most of the clearest proofs of his guilt, and turning others, with a surprising degree of apparent credulity or blindness, into grounds for praising up his conduct (221-223); and ignoring or not remembering that, in the Imperial Edict of June 25, 1870, issued a few days after the massacre, and confirmed by the Edict of June 29 following, *the Chinese Government itself* still admits: "Now, Chung-'Ho, as Superintendent of Trade, having failed to maintain peace in his district, the Tau-tai Chow Kia-Siün, as chief local magistrate not having adopted proper measures of precaution,...are *inexcusably culpable*, and are to be handed over to the board (of Punishments) to be dealt with according to their individual deserts" (204). The belief of the Government in, or its knowledge of, Chung-'Ho's guilt explains his immediately following appointment as Ambassador, which must have been made within two, or at the most three, days afterwards (229). M. de Rochechouart, in his letter to Count Méjean states: "Le gouvernement Chinois a *sur ma demande* envoyé S. E. Tchong-Ho comme ambassadeur en France, pour expliquer sa conduite et la faire agréer s'il le peut". Was it then, between the 25th and 29th of June, 1870, that the Representative of France proposed to the Chinese Government Chung-'Ho's mission to France? What tenable reasons could he, at that time, possibly have for such a proposition? What reasons at any later period? Did he, notwithstanding the Imperial Edict of June 25, during his subsequent presence in Tientsin discover no traces of Chung-'Ho's guilt, but only of His Excellency's "good motives" and "wise advice"? In the letter to Count Méjean, repeatedly alluded to, M. de Rochechouart observes: "It is perfectly true, that a letter written by M. Fontanier on the very day of his massacre has furnished *the strongest argument in favor of His Excellency Chung-'Ho's innocence*". With the contents of that letter we are unacquainted; but, whatever they be, they can neither do away with,

* "Memorandum of Count Rochechouart on the Events at Tientsin", in the Reprint of Letters regarding the Tientsin Massacre from 'the North-China Daily News', No. ii. Shanghai, 1870, 8vo., p. 33.

nor modify, the positive proofs of His Excellency's guilt; and had poor M. Fontanier, after his interview with Chung-'Ho on the fatal twenty-first of June lived to write a second letter: can M. de Rochechouart be of opinion, that it might have strengthened the argument, based on the former, "in favor of His Excellency's innocence"? The manifest duty of the Representative of France, immediately after the massacre, was,—not, to ask for the head of Chên Kuo-S'ue and to plead for the innocence of Chung-'Ho; not, to insist on the execution of the Chih-fu and the Chih-s'ien, and to protect by silence the Tau-tai, of Tientsin:—but, to peremptorily demand, in the first place, a prompt and searching public inquiry into the circumstances of the massacre by a duly constituted mixed (225) Commission, and, in second place, the punishment of THE GUILTY in accordance with the law of China and the international requirements of justice; and, on the Chinese Government refusing either demand, to declare his mission at an end.

232. By the course actually adopted, M. de Rochechouart has, we fear, essentially vitiated the cause, and compromised the dignity, of France; impeded the free action of his Government; and, with the Burlingame Mission and its baneful effects under his very eyes, committed a serious diplomatic error in allowing the venue of the Tientsin crime to be transferred to Paris. The Chung-'Ho Mission, in fact, presents itself to us as a complete puzzle; and the character in, as well as the object for, which his Excellency, together with the Interpreter of the French Legation in Peking, M. Dévéria, have proceeded to Europe, are wrapt up in impenetrable mystery and confusion. "The Chinese Government", M. de Rochechouart, as we have seen, writes to Count Méjean, "has at my request sent H. E. Chung-'Ho as Ambassador to France, to explain his conduct and to make it acceptable, if he can". But has such an anomaly ever been heard of before, as a Sovereign, represented in the person of his Ambassador, proceeding to another country for the purpose of explaining, if he can, the conduct of one of his servants? or of a

¹ We have reason to believe, that the Letter of Credence, to be presented by Chung-'Ho, is worded in a somewhat different manner from that of the Burlingame

subject, *gravely suspected*, nay, positively accused, *of a great crime*, to be sent as the Representative of his Sovereign to the Sovereign of a nation, chiefly against whom that crime has been committed? His Imperial Highness Prince Kung assures M. de Rochechouart, that the Emperor of China has deigned to command Chung-'Ho to proceed to France to "give a proof of the sincere friendship subsisting between the two States", with the view of "delivering a letter from the Government of the One Ruler of the Earth to that of his loyal Fa Principality",¹ and "by word of mouth explaining the great *inconvenience* to China", involved in her punishing the principal offenders in that little "rioting and brawling affair" at Tientsin at which the (justly) incensed populace "had the audacity to kill so many as twenty" outer barbarians, women included. It has been duly explained by Chung-'Ho to the Emperor, Prince Kung informs the French Chargé d'Affaires, that His Excellency "takes with him as Secretaries M. Novion, and M. Imbert, *both French subjects*",—instead of Mr. Meadows, as had been at first arranged (205, 2)—; but he omits to add, that "both French subjects" are, both of them, clerks in the Chinese Maritime Customs, and, consequently, the subordinates of the Inspector-General, Mr. Hart. Nor does he allude to the more ominous fact, altogether kept as much as possible in the background, that Chung-'Ho takes with him a third "Secretary", like the two former gentlemen, an *employé* in the Chinese Maritime Customs Department, and a subordinate of the Inspector-General, Mr. Hart. This third "Secretary" or "Interpreter" is a *British subject*, Mr. James Brown,—not to be confounded with the left-hand Secretary of the Burlingame Mission, Mr. John McLeavy Brown—, whom Mr. Hart, on former occasions, has repeatedly "detached" for "special duty" as drill-master of the Chinese soldiery, and who, "in his blue satin cloak, with two score of troopers, long and ugly sabres dangling at their waist", we have seen so gallantly hasten to the rescue of the besieged and beleaguered at *Ho-si-wu* (123). It is on the present occasion, "in the diplomatic line", that Mr. Brown has once more been "detached for special

Mission, as regards the pretensions of the Emperor of China to Universal Supremacy; without, we need hardly add, abating one iota of those pretensions.

service" by his chief. Mr. Hart (11) "will have his finger in every pie"; and so in the burning-hot pie of the Chung-Ho Embassy. In a Letter, addressed on this subject, on November 15, 1870, to the London Committee of China Merchants by the Shanghai Chamber of Commerce, the Chairman of the latter association, Mr. Michie, pertinently observes:—

The purpose of the mission, as stated by Prince Kung, is ominously that of its predecessor, which has wrought such incalculable mischief both to China and her foreign relations. It was to represent China's "difficulties" that, according to Mr. Hart, the Burlingame Embassy was sent forth, and should the present mission at all resemble that in its operation it will be a public calamity.

Count Rochechouart's brief account of the mission is not free from incongruity. The "conduct" which Chung-how is going to explain is his own share in the massacre of French subjects; this, however, resolves itself into a simple question of fact, whether he did or did not connive at, whether he did or did not encourage, the atrocities perpetrated under his government at Tientsin? and it is difficult to see how any new light can be shed on this question by investigations in Paris. Again, if Chung-how is going to propitiate the French nation for acts of his about which there is no dispute, it was hardly necessary to invest him with high dignities for such an errand.

Although the scope of the mission of Chung-how should be limited to representations at Paris in connection with his personal share in the Tientsin massacre, it is unnecessary to inform your Committee that its reception may have an important effect on the position of Foreigners generally in China, and even on the prospects of trade. Our relations with the Chinese are of such a nature as to bind all classes of Foreigners by a common interest. The victims of the Tientsin outrage were not French alone, but of various nationalities, British included. Your Committee may therefore be in a position, if only indirectly, to influence the decision of the governments to which the Mission may address itself; in which hope we would now urge the special objection which the Foreign communities in China entertain to the official reception of Chung-how by any civilized power. That objection is nothing less than Chung-how's supposed complicity in the barbarous murders of the twenty Europeans who were living under his protection. Chung-how was at the head of the executive, civil and military, of Tientsin, at the time when that horrible atrocity was perpetrated in open day, and he had held that responsible position for ten years, during which time he was in constant communication with the Foreign Consuls and others...

The importance of the present crisis in foreign relations with China can hardly be exaggerated, as the success of such a mission as Chung-how's may go far to destroy what little remains of that prestige which has been the security of foreigners in China, and the guarantee of peace between the respective countries. The imperial government has declined to punish the real instigators of the massacre, or even to go through any form of investigation into their guilt or innocence. The two magistrates who have

been nominally exiled, have not been tried for the murder, and are thus punished only for their incapacity to preserve order; while the General Chen-kwo-jui, the capital punishment of whom was likewise demanded by the French Chargé d'Affaires, has scarcely even been alluded to in the despatches from Prince Kung. It has thus been published throughout the Empire of China, that foreigners may be outraged with impunity, provided their assailants be sufficiently influential, and no argument is needed to show you that the most disastrous consequences may result from this discovery...

The effects of proceedings such as these would be deplorable enough under any circumstances; but the danger to amicable relations will be greatly intensified by the proposed expedition of Chung-how. He is so notoriously implicated in the murders of June, that his being permitted to leave China, even on the pretence of a mission to France, will be, in the eyes of the whole Chinese people, a public condonation of that crime; while his actual reception by the French government, and still more the success of his representations, could not fail to degrade all Foreigners in the eyes of the Chinese, before whom it is so important to maintain our self-respect. It would moreover exert a most injurious influence on the Chinese authorities themselves, by convincing them that any difficulty may be tided over, any outrage atoned for, by supple diplomacy, and hollow promises for the future. The success of the Burlingame Mission has assured them of their power to over-reach and mislead the nations of the West. If they are a second time successful in this policy, and manage to gloss over a terrible tragedy like that of Tientsin, the position of every foreigner in the empire will be imperilled.

On the ground of evidence as conclusive and various, as the facts on which it is made to rest,—being supported by either uncontested oral testimony or official documents,—are reliable, we have now shown that, so far as such evidence constitutes proof, it proves the Imperial Commissioner Chung-'Ho to have been the directing principal in the great public crime of THE MASSACRE OF TIENTSIN; for his concurrence in which crime the Statute Law of China awards the penalty of "death by a slow and painful execution". Under these circumstances, no words of ours could place the responsibility, in sending Chung-'Ho as Ambassador to Paris, incurred by both the Chinese Government and M. de Rochechouart towards France and the Western Treaty-Powers generally, in more forcible language before the reader, than does the bare fact of the Chung-'Ho Mission itself.

233. There is a striking inconsistency in the declaration of the French Chargé d'Affaires, that this Mission was sent at his demand, and that the terms, which it is sent to propose to France,

are no concern of his. It is difficult to resist the impression, that at least his tacit consent must have been obtained to the pecuniary, as well as to the executionary, part of the "satisfaction" offered. As regards the indemnity of Taels 210,000 for material losses sustained, we desire only to observe, that the sum in question appears to us excessive.¹ The Chinese are of opinion that the justice, the conscience, the principles, the loyalty of foreigners are alike purchaseable, and that money and gain are the only object of a foreigner's thought and action.² In no manner or form should they be confirmed in such an opinion; and least of all in their view, that even the lives of foreigners have their price in sycee-silver, and that a great public crime, committed against a foreign nation, may at any time be "settled" by a cheque on one of the Banks of the Foreign Maritime Customs' Revenue.³ There is, we venture to think, no right-feeling European, who will read the "Repartition of

¹ Since writing the above, the translation of a remarkable letter, dated Peking January 3, 1871, from the Catholic Bishop Monseigneur De La Place, to Count de Rochechouart, has been published in the "China Mail". It is with extreme satisfaction we learn from it, that, to the honor of the Catholic Church, the Bishop unconditionally rejects the "blood-money" of Taels 130,000 (212), and only conditionally accepts, out of the indemnity of Taels 210,000, just alluded to, Taels 90,000, "allowed to us"—the Lazarists, we presume. "So long", he states, "as the atrocious crime has not been sufficiently punished, so long as the cruel injury, inflicted on all Europeans in general, and particularly on us French Catholic Missionaries, has not been fully redressed I reject *all* offers of money". In the propriety of this rejection we fully concur. But when His Grandeur states: "I have not only the right, but it is my duty to demand, that a determined line of action be adopted, so that a solemn and durable guarantee may assure for the future the tranquillity of our establishments"—we should like to know, by what "right" a French Bishop *in partibus* prescribes to the Representative of his country a certain line of action; and we cannot but perceive in the domineering spirit, which dictated those words, one of the chief causes of the hatred of the Chinese towards the French Missionaries, and a constant source of embroilment between France and China, as unprofitable to the former, as it must needs be irritating to the latter, Power.

And what shape does the Bishop's "right and duty" assign to his condition of accepting the indemnity in question, and to the solemn and durable guarantee—more durable, of course, than the solemn International Treaty of Tientsin (201)—for the future tranquillity of the French missionary establishments? Why, that of "a monument, to be erected by Imperial decree, on the river bank, between the French Consulate and our ruined Church, to consist of marble, with tiles of Imperial yellow, bearing an inscription reproaching and stigmatizing the acts of the perpetrators and instigators of the massacre of June, and energetically denying the calumnies, which are still allowed to fall on our Mission and our Sisters of Charity". Suppose, we imagine for one moment the situation to be reversed, and a Mission of Buddhistic priests and nuns to have been established and massacred, say, at Havre, or Nantes,

Indemnities granted", as communicated by M. de Rochechouart (212), without a thrill of moral horror;⁴ but, when we state, on unquestionable authority, that, instead of the "item" in that Repartition, reading simply: "For the Church, Taels 130,000", the original Chinese text of Prince Kung's despatch does specify:—⁵

" For the Abbé Chévrier	-	-	-	-	Taels	30,000
Six French Sisters	-	-	-	-	"	60,000
Two Belgian Sisters	-	-	-	-	"	20,000
ONE ENGLISH SISTER	-	-	-	-	"	10,000
One Italian Sister ⁶	-	-	-	-	"	10,000

Sum total - - Taels 130,000"—

we are certain that, on these words: "FOR ONE ENGLISH SISTER TEN THOUSAND TAEELS" being read at home—"ten thousand voices" of the people of England will be raised, to demand from Her Majesty's Government an explanation before Parliament as to the authority,

or Bordeaux: is Monseigneur De La Place of opinion, that the erection of a monument such as he proposes, would in France have the effect, which he expects from it in China? Yet, the French are a Christian and forgiving, the Chinese a heathen and revengeful, people. And did not, moreover, the murdered priests and Sisters of Charity come to China in the hope of *Martyrdom*? Did not they attain to the *accomplishment of their most cherished desire*? (200).

² Compare above (104), page 222, Note 2. In the report of a conversation between Ki Shu-Tsau and the Emperor S'ien-Fang, already more than once referred to, we read: "EMPEROR.—Why would not the Americans assist them (the English, in the event of a rupture with China)? KI.—Your servant has been told that the Americans have business relations of great importance with Wu Sung-Yau (How-gua), formerly a hong-merchant at Canton; *indeed, that they have had money of Wu*. Every movement of the English Barbarians is certain to be privately communicated to the family of Wu by the Americans, and Wu thereupon makes his private report to Seu and Yeh, who take precautionary measures accordingly. Thus, last year, it was by a communication from the Americans, that it was known that a man-of-war of the English barbarians was coming to Tien-tsin. *Not that this shows any sincere friendship for us on the part of the Americans: it is simply that their desire for gain is strong, and that they were afraid lest their trade be disturbed by the English*".

³ Compare Monseigneur De La Place's remarks, above, p. 532, note 3.

⁴ "Your delicacy, M. le Comte, has taught you", Monseigneur De La Place writes to M. de Rochechouart apparently in a tone of bitter sarcasm, "that this price of blood would be most repulsive to our feelings; and to speak plainly, the mere idea makes us shudder,—excuse the expression".

⁵ This is confirmed by Monseigneur De La Place's letter to M. de Rochechouart, although it does not specify the different sums. The Bishop had a copy of the Chinese text of Prince Kung's despatch before him.

⁶ According to this list, we were in error in stating above (198) that five of the Sisters were French, and two Italian. It also appears that the Lady Superior was not French, but Belgian.

on which the French Chargé d'Affaires in Peking has acted in receiving from the Imperial Government of China the offer of *blood-money for a massacred British subject*; and what part the British Representative in Peking has taken in this unheard-of transaction.

234. We are far from adverse to a liberal pecuniary compensation being demanded for the family of every private foreigner massacred or, on account of his being a foreigner, murdered in China. But, in the first place, we cannot assent to this principle being extended to public representative functionaries and Roman Catholic priests and Sisters of Charity. In the former case it should be the sole privilege, as well as it is the manifest duty, of the State concerned to provide for the family of its Representative. In the latter case, there exist no bonds of family. The priest and the nun, in devoting their lives to "the Church" and celibacy, have, in thus breaking the laws of God as well as of Nature, trodden under foot the ties, that bind man to the past and future generation of men,—the sacred ties between children and parents, between parents and children, on which hangs the foundation of society, and which alone constitute the true bonds of family. In the second place, compensation to the family of the murdered, should invariable be *preceded* by full retributive justice, executed upon the murderer, or those guilty of the murder. The utmost care should be taken to prevent such monetary compensation, in the ideas of the Chinese, to be mixed up with that retributive justice, and to be mistaken by them for an element in the latter, i. e. for blood-money. It should be distinctly impressed on them, on the one hand, that no sum of money, however large, can be made to atone for a capital crime committed against a foreigner; that, sooner or later, condign punishment is *certain* to overtake the guilty, or those who may have shielded them; and that their *Government* will be held responsible for the due infliction of such punishment. On the other hand, it should be impressed on them, that, altogether independently of

¹ The reader will have noticed, that also Monseigneur De La Place, in his letter to Count de Rochechouart, distinctly takes our view of the case (233, 1).

² "The steamer *Dragon* arrived here on the 27th ultimo reporting that on the afternoon of the 21st ultimo, the French Cathedral and Consulate were burned, and

retributive justice, in all cases inexorably enforced, the family of the murdered foreigner, having been deprived of his support, is entitled to a liberal pecuniary compensation; and that for such compensation, *the locality, in which the crime was committed*, will be held responsible. Nor should, in cases like that of the Tientsin massacre, the principle of compensation be restricted to actual destruction of life and property; but extended to life and property threatened or endangered, mental anxiety endured, health enfeebled, prospects changed, and all consequences directly or indirectly involved in such a crime. Indeed, if we are not misinformed, the French Chargé d'Affaires has already applied this extended principle so far, that he has obtained from the Chinese Government a compensation, said to be excessive, for the firm of Mr. T. Sandri, with which the Messrs. Borel, previously mentioned (199), are connected; Mr. Sandri being at the time absent in the interior of the province. M. de Rochechouart would not seem to have considered, that the chief object of such compensation is, or should be, the better security of the lives and the property of foreigners, resident in China, for the future.

235. One more grave error, into which the Representative of France has fallen, remains to be noticed. In his Memorandum on the Events at Tientsin he states, "that the enquiry made by the Governor-General Tsêng Kuo-Fan clearly establishes the falsity of the acts, of which the people accused foreigners [foreign missionaries] in general, and the Catholics in particular". We have seen (210), that this is the reverse of the truth:¹ and it appears to us, that, under the circumstances of the case, it was the duty both of M. de Rochechouart and of the French Bishop of Peking, Monseigneur De La Place, to insist on a public investigation of the serious charges, brought against the French clergy in China; and this the more so, as a part of these charges has been distinctly endorsed by "the Cycle", the recognized organ of the confidential adviser of the Tsung-li Yamên, Mr. Hart.² If the moral

the French Consul, several other Frenchmen, and the Sisters of Mercy murdered. No particulars as to the mode of the attack or as to the number and character of the assailants have yet reached Shanghai, but there can be little doubt that the motive for the rising was the belief that the Roman Catholic priests and Sisters of Mercy either killed or mutilated or improperly used the children *which personally or by agents*

character of the Catholic priesthood were above suspicion, which even in France, although there closely overwatched, it is not, and from the tendencies of the physical nature of man cannot be, silence might be the most dignified answer to such accusations. But what could place the position in China of the celibate priest in a more striking light, than the naïf prayer of St. Augustin: "O Lord, grant me chastity, but—not just yet"? The extraordinary assertion of M. de Rochechouart, as cited above, looks much like an attempt, by cutting the gordian knot, to evade the question; and produces an impression the very opposite of what is intended. It is not difficult to divine the grounds (187, 1—3, 5), whether true or false, on which the Chinese rest their suspicions against, and their dissatisfaction with, Tséng Kuo-Fan, in accusing him of partiality for the foreigner (229, 2). To us, there can exist no doubt, but that the Chinese, or any other, Government would be fully justified in closing up its country to the propagandistic zeal of any celibate priesthood. Nay, we incline to think that, if the Government of China, instead of having recourse to plotting and massacre, had presented to the Western Powers a Memorandum, embodying its frankly expressed views, supported by well-authenticated, true, and unexaggerated evidence, of the position assumed by the French clergy and their native converts throughout the Empire, as irreconcilable with the Imperial prerogatives of the Chinese Crown, the due government of the Emperor's subjects, and the proper administration of justice in accordance with the established laws of the land: it would have commanded the sympathies of the West, and might have induced an enlightened Government of France,—arriving at the conviction, that the system of hollow proselytism, pursued by the Romish priesthood in China, cannot reasonably be expected ever to prove a source of strength, whether political or material, to the French nation,—to reconsider its China policy, and to modify it in the sense

they collect from all parts of the country for instruction". ("The Cycle" for July 2, 1870, vol. i, p. 105).

"Now it is fair that the Catholic missionaries should boast of the large numbers of children that they have saved from heathenism, and even from death. *They yearly expend enormous sums not only in maintaining nurseries and schools, but in purchasing infants doomed to death or to a miserable or vicious life...Kidnapping is positively an institution in China, and we have no doubt that the agents employed by the (Catholic)*

of justice, international law, and the true interests of the French people.

236. The only evidence, independently of the liberal character of the Repartition-lists, previously referred to (212, 232), and said to be chiefly owing to the influence of the Representative of Great Britain at the Ta Ching Court, which we possess of that influence, is the following document, of which we give Mr. Wade's English translation alone, as promulgated at Shanghai by Mr. Medhurst, and at the open Ports of China generally by H. M. Consuls:—

NOTIFICATION.

The undersigned has been instructed by H. B. M.'s Chargé d'Affaires, to give publicity to the accompanying copy (with a translation into English annexed) of a Proclamation upon the subject of the Tientsin Massacre, which has been communicated to H. B. M.'s Legation by the *Yamèn* of Foreign affairs at Peking, with an assurance that the proclamation shall be published in all parts of the Chinese Empire. W. H. MEDHURST,

British Consulate, Shanghai, 8th November, 1870.

Consul.

A NOTIFICATION FOR GENERAL CIRCULATION.

"With reference to the outbreak at Tientsin: The people of Tientsin, too lightly giving ear to idle stories, suspicions came to be entertained by them which begot ill-blood; 1 then on a sudden [breaking out], they had the audacity to murder a large number of foreigners. Chapels were fired and destroyed, and the opportunity was seized to rob and to plunder. These were undoubtedly wicked acts, committed in contempt of law.

It having been ascertained by Tsêng Governor-General of Chih-li, that the tales about the digging out of eyes, and the cutting out of hearts were utterly false, and rested on no foundation whatever, he made search for the murderers concerned in the outrage, and seized, some earlier, some later, about fifty persons really implicated. 2

Of these, Fêng, the cripple, and others, twenty in all, who had taken life, have been sentenced to summary decapitation. Wang Wu [nick-named] the little awl, and others, twenty-five in all, who had availed themselves of the confusion occasioned by the outbreak to take property, have been condemned in different degrees of severity to banishment. The Prefect and Magistrate of Tientsin, who mismanaged this affair, have been punished with unusual severity, being exiled to Hei-Lung-Chiang, (the banks of the Amoor) there to atone for their fault by service. 3 This for example's sake.

fathers to obtain children from those ready to part with them, frequently did a nefarious business on their own account, and while professing to *purchase infants for the mission*, actually bought them to sell again to brothels and other places of yet more horrible resort... *The Catholic fathers make themselves responsible for what has been done in their name*, and how fearfully they have been held to their pledge, let this awful catastrophe (the massacre) tell". ("The Cycle" for July 9, 1870, vol. i, p. 110; in a leading article on "The Tientsin Tragedy".)

The arrangements for the compensation ⁴ and indemnity [of the families bereaved] have been under consideration, and will presently be completed. ⁵

It will behove the gentry, the military, and the people of every province, to take warning by this : that so they may be prevented following the like course. And whereas it is too possible that the doubts of the multitude not being yet dissipated, farther animosity may be the consequence, this Notification is issued, and the gentry, military, and people of every district, are expected to understand that ever since the [ratified] treaties were exchanged, trade and missionary preaching have been among their stipulations ; that the object of missionary teaching is to persuade men to virtue, and that trade advantages in common both native and foreigner. The State regards all, [both native and foreigner] alike, with the same philanthropic feeling. It draws no distinctions. The men from afar within its boundaries, yet more is it a foremost duty to protect.

It is the obligation of the authorities (*Kuan*) in observance of the treaties, whenever a case presents itself, to examine into it and dispose of it with impartiality. It is the obligation of the people (*min*) to pursue their callings in peace, and they are bound, if there be matter of contention between them and the foreigner, to submit it to the local authorities, and to await the equitable action of these taken in concert with the foreigner's official. They are not free, on this pretext or that, to assemble and to do violence. If, respecting not the declared Will of the Emperor, they set at nought the laws, they will assuredly be punished with extreme severity. [The fate of] the officials and people of Tientsin is to be their "mirror of the Yin," ⁶ (their constant remembrancer.)

Let every one tremble and obey !

Let none resist ! A Special Proclamation.

¹ Lit., a feud, or a feeling of feud commenced ; a beginning of hostile relations.

² Or, has seized and convicted.

³ That is, service as convicts.

⁴ Lit., for comforting,

⁵ Or, are being gradually completed ; the money for the reconstruction of the Consulate, Cathedral, &c., being already forthcoming, if not paid.

⁶ In a classical passage an ancient Emperor is reminded that the mirror of the Yin Dynasty which preceded his own, the warning given by the fate of the Yin, is not far off ; that is, should be instantly before him.

The notes, accompanying this version, as well as the highly colored version itself, in which all objectionable terms have been glossed over, are Mr. Wade's. It would be a work of supererogation to criticize here a document and its "philanthropy", which emanates from the non-authority of the "Yamén of Foreign Affairs" (27) ; virtually maintains the position, in regard to the Tientsin massacre assumed by the Chinese Government, in every particular ; and concludes with the ominous "warning", that the merely nominal punishment of two of the Tientsin magistrates, the complete immunity of the superior officials, under whose auspices and direction the crime was perpe-

trated, and the approval in the highest quarters of the patriotic conduct of the people of Tientsin, is to be the mirror of the people of China for the future, or, as Mr. Wade, "having eyes to see, yet seeing not", unsuspectingly explains it, "their constant remembrancer". The notification was to have been posted by the Tau-tais: it has remained so much waste paper.

237. This, perhaps, will be the most appropriate place to allude in a few words to the confidential adviser of the Tsung-li Yamén, Mr. Hart, in connection with the Tientsin massacre. Like Prince Kung and Wén-S'iang, he was absent from Peking at the time; from which circumstance, however, it follows by no means, that he was not in correspondence with "the Chinese Government", whose Agent-general he professes to be. The news of the fearful tragedy, many days preceded by its rumour, reached him in Hong-kong on the second or third day of July, 1870; but he quietly completed his tour of inspection, on which he had started in the beginning of December, 1869, as though nothing had occurred, or rather, as though he were fully acquainted with the whole course adopted by the Chinese Authorities, and knew his family at the Capital to be, for the time, in perfect safety. He finally proceeded, after touching at Taku or Tientsin, to Nu-chuang, a port in Manchuria, and returned, on August 5, 1870, to Tientsin. Here, his family were awaiting his arrival. He must, therefore, have given instructions for them to leave the Capital, somewhere about July 24. They went down to Chi-fu, a port in Shan-tung, then protected by several ships-of-war; whilst he himself, some time afterwards, went up again to Peking. These movements were noticed as remarkable for two reasons: firstly, because it was judged unnatural for any man, after a prolonged absence from his family, to extend his separation from them; and secondly, because, of all foreign residents in Peking, Mr. Hart had by far the greatest interest in maintaining confidence among them, and *not*, by any but an act of the most absolute necessity, to shake that confidence, and set, as it were, the example for a general exodus of Europeans from the Northern Capital. But what adds still more to the remarkable character of the movements in question is, that, at the very time when Mr. Hart decided on the (temporary) removal of his family—

including his brother, Chinese Secretary to the Inspector-General of Imperial Maritime Customs—from Peking, there was, unsuspected by the foreign community, the danger of a massacre hanging over them; and that the confidential agent of the Tsung-li Yamên, himself, did not return to the Capital, about August 20, 1870, until that danger had, at least for the time being, positively disappeared. We abstain from every comment upon, or drawing any inference whatever from, these facts; but leave them for Mr. Hart to explain.

238. The real point here for our consideration is his admitted position as confidential adviser of "the Chinese Government", relative to its final determination to refuse justice to France and the Western Powers in the matter of the Tientsin massacre, and to take the responsibility of this international crime upon itself. We have seen the Hon. Mr. Burlingame, as "Ambassador of Chinese empire", publicly to declare (129), that the present Government of China is "directed and guided largely by that modest and able man, Mr. Hart". It is difficult to imagine an occasion of graver import than that of the Tientsin massacre, for Mr. Hart to strain all his powers to direct and guide, and to use all his influence to the very utmost with, that Government in the sense of justice. Ample time and ample opportunity he had for action, between his return to Peking and the decision of the Imperial Cabinet. The case, therefore, presents to us three alternatives of judgment, namely: either Mr. Hart has advised the Chinese Government in the sense of the decision taken; or he has approvingly acquiesced in that decision; or else he has exerted his influence in the sense of justice, and has altogether failed in his endeavours. Under the two first suppositions, he has both acted in opposition to his duty as a British subject, and actively made himself an accessory to the massacre of Tientsin, after the fact. Under the last supposition he has done his duty, ill or well, both to the Chinese Government and as a British subject, but has proved, by his failure, that his influence with the Tsung-li Yamên is powerful only for evil and utterly powerless for good. In either case, it appears to us, that it will be the duty of the Home Government to demand that Mr. Hart be removed, without delay, both from his *quasi* official position

in connection with the Chinese Government and from Peking,—a subject, to which we shall presently recur. Meanwhile we feel warranted in asking:—Whether any man of principle, honor, and loyalty, being a British subject, and professing, as Mr. Hart does, to hold under the Chinese Government the position of a general agent and confidential political adviser, on that Government accepting for itself the responsibility of the international crime perpetrated at Tientsin, should, or should not, have immediately resigned his position? Whether any man of principle, honor, and loyalty, being a British subject, and holding as Mr. Hart does, under the Chinese Government the position of Inspector-General of Chinese Maritime Customs, on that Government appointing Chung-'Ho,—a Chinese official strongly suspected, and publicly accused, of having taken a leading part, both passive and directing, in the Tientsin massacre,—as Ambassador to one or more Western Powers, should, or should not, have nominated or consented to the nomination of three of his *employés*,—one a British, the two others French subjects (232), who entered the Customs-Service of China, not to discharge any political or diplomatic duties, but for the clearly-defined purpose of assisting, as clerks, in the collection of the maritime revenue derived by China from foreign commerce,—to the post of Secretaries and Interpreters to the Chung-'Ho Embassy? And whether Mr. Hart, by thus nominating, or consenting to the nomination of, his subordinates in the Customs-Service to borrowed-diplomatic positions in the suite of Chung-'Ho, has, or has not,—under the circumstances of the case and considering that the avowed object of the Chung-'Ho Mission is to screen those guilty of the Tientsin massacre from the punishment justly due to their crime, and to defeat the ends of justice,—made himself, by the law of England as well as by that of China, an accessory to the massacre, after the fact?

239. Reverting now to the Western policy of the Chinese Government, we have seen that the view, which the Tsung-li Yamên pretends to take of the Tientsin massacre (214), rests on a baseless fabric, and is in the most flagrant contradiction with unquestionable and unquestioned facts. In presence of these facts, it will be difficult for the Western reader to realize the unblushing

disregard for truth and painful effrontery of the statements, officially made in the name of "the Son of Heaven" and his Cabinet by His Imperial Highness, Prince Kung. He should remember, however, that, with the Chinese people at large (174, 2), lying is not only a habit, but an actual accomplishment. Nay, we have known, within ten thousand li from the Northern Capital, philo-Chinese Europeans, master and servant, servant and master, who thought as little of a false oath as they might be supposed to have done of a draught of Irish whisky or a spoonful of Scotch porridge. The very organ of the confidential adviser of the Tsung-li Yamén, "the Cycle", which may fairly be assumed to echo the principles and views of its founder, has in its number for March 4, 1871, a leading article on "LYING", the opening sentence of which reads: "*This accomplishment may be regarded in many lights, either as a moral blemish, a social necessity, a subject for curious psychological study, or under a hundred other aspects*". Can it, then, surprise that those highly "accomplished" Tatar noblemen, the Emperor's Uncle Prince Kung, and the Emperor's Honorary Tutor Chung-Ho, should have regarded the version, which they, respectively, give of the Tientsin massacre, as well as the massacre itself, under the aspect of "a social necessity", and in the light, to which the habit of their lives (174, 2; 152) has trained them? It has been shown, we venture to think in a conclusive manner, *that the international crime under consideration constituted but one phase of a premeditated plot for the massacre of foreigners: that it bore the unmistakeable stamp of an official and military measure; that it was prepared and carried out under the direction of the magistrates of, and the Imperial Commissioner at, Tientsin; that a popular tumult was, on the occasion, got up for the sole purpose of masking its true character; that the Chinese Government uphold it as a patriotic deed; and that, determined to shield its actual perpetrators, the Chinese Government has taken the full responsibility of the crime upon itself.*

1 "The Overland Monthly", San Francisco, 1870, 8vo., vol. vi, p. 157. "The Chinese Embassy to the West", the first of an intended series of papers, entitled "Under the Dragon's Footstool", by the Hon. J. Ross Browne. They promise, judging from the little gem before us, to become the by far most interesting, humorous, and felicitous production, as yet given to the public by the distinguished author.

240. Such being the case, the fact, which we have previously assumed, namely, that the plot of the Summer-Solstice itself either emanated from, or was devised with the full knowledge and concurrence of, the Imperial Government of China, will no longer appear incredible. Before, however, we adduce such proofs as we are able to give in support of this certain fact, it will be necessary to disabuse the public mind of two erroneous impressions, under which it is labouring. The first, confined to the Western world unacquainted with China, and especially impressed upon it by the late Mr. Burlingame, is that the Chinese are a noble, an enlightened, and a civilized people,—a people of “sages”, in fact, as noble almost as it is ancient, as enlightened as it is numerous, as civilized as it is homogeneous (129). Nothing could be further from the truth. With admirable sarcasm the Hon. J. Ross Browne, after quoting from the Hon. Caleb Cushing’s speech at the Burlingame Mission banquet at Boston, a glowing sentence, which also represents the Chinese as “highly cultivated, devoted to science, letters, art,—civilized, in the best acceptation of the word, when our fore-fathers were half-naked barbarians in the wilds of Britain or Germany”, remarks upon it:—“Possibly Mr. Cushing may have been inspired by the Embassadorial ‘presence on that occasion; possibly he may have looked at the subject through festal glasses,—not through those crystal spectacles of duty which had caused him, when Minister to China, to claim exterritorial rights, because of the frenzied bigotry of the inhabitants, their brutal ignorance, the narrow-minded policy of their rulers, and the utter impossibility of Christian nations holding relations with them upon terms of equality”.¹ If we except, to a certain extent, the literate classes and the gentry, the bulk of the Chinese people, though generally quiet, civil, and well-behaved, are ignorant, superstitious, and barbarous in the extreme,—half savages.² Conceited (170), prejudiced, doggedly narrow-viewed, cruel, and filthy, personally and morally, the whole

² Dr. Williams also confesses:—“China is a pagan country; its people are, as a whole, ignorant, selfish and cruel, and constantly at variance among themselves; its gentry and rich landholders oppressive and proud; and the supreme government merciless to exact and weak to defend... In the insurrection which raged in the south of Canton province, in 1854 and 1855, it was estimated that more than half a million

nation are. They carry the principle: *naturalia non sunt turpia*, beyond the most latitudinarian ideas of decency. In the broad "streets" of the Capital of the World, and in broad day-light, scenes are witnessed, which baffle description. The advent of spring is announced by clusters of men in their long sheep-skin gowns, which they have not taken off since the commencement of winter, sitting down, on some sunny spot in the most public places, to louse themselves. Beggars, whose only habiliments consist in a brick, by means of a tattered cord slung round their body and which somehow or other will get into the wrong place, or else in a scanty assemblage of dirty, once many-colored rags, hanging together in an unimaginable fashion, insist on exhibiting to the passer-by their most disgusting sores. Every corner of a street-gateway and protruding house-wall has its liquid cloaca.¹ Frequently, however, the latter, where the space is more extended, is replaced by a mound of rubbish, on which rows of well-to-do citizens, exposing their persons, unconcernedly perform the offices of nature, surrounded by manure-collectors, pigs, and hungry dogs, waiting to fight for the excrements. Scenes still more sickening may be witnessed on the execution-ground. So on the battle-fields. In short, those noble, highly civilized Chinese of the Burlingamian oratory have, to this day, not altogether emerged from a condition of *cannibalism*. It is no uncommon thing for soldiers to tear the bodies of the slain or the wounded to pieces, and to devour their hearts. Quite recently, a Manchu of the White Banner was, together with his wife, condemned to death at Peking for parricide, followed by a similar act of anthropophagy. In the third and fourth years of the present reign, A. D. 1864-5, a large body of rebels from the province of 'Hu-pei invaded the adjoining province of Shen-s'i. They used to cut or tear strips of flesh from the bodies of the slain, and roast them in burning embers or hot ashes. The skulls were

of men came to a violent end or fled the country; and how many towns and villages were pillaged, is unknown". (Papers relating to Foreign Affairs, Washington, 1859-1860, 8vo., p. 546).

¹ During our sojourn in Peking, from 1866 to 1869, the narrow lane also, in which Mr. Hart's "Yamén" is situated—three hundred days out of the three hundred and sixty-five impassable either from dust or mud—abounded in these public nuisances. We learn that its condition is as filthy as ever; but that the gas (10, 3), is now

converted into drinking-bowls; the skins manufactured into shoes; and the tendons into ropes.² Such is Chinese civilisation.

241. The second of the erroneous impressions abroad respecting the Central Government of China, and shared in even by the Foreign Ministers at Peking, is the universally prevalent idea of the weakness, nay the helplessness, of that Government, which, if we are to believe Western public opinion, presents an unquestionable case of "the Sick Old Lady". The delusion is, notwithstanding, devoid of all and every foundation. The Chinese Government, constitutionally the strongest form of government conceivable (172), has, practically, never perhaps been stronger than, rendered so by the Burlingame Mission and the Tientsin massacre, it is at the present time. Speaking, however, without any special reference to the momentary aspect of the question: it is plain, that the impression of its weakness, on the part of the Western Powers and their Representatives in Peking, cannot but impart additional strength to the Government of China; and, consequently, this impression is in every manner and way encouraged by the Tsung-li Yamên. "Should foreigners press (for certain concessions) with importunity", Tsêng Kuo-Faa in his secret Memorial (177) reminds the Emperor, "it will suffice to intimate to them, that the Central Government, willing though it be to grant, has not the power to enforce, such concessions". A gross outrage is committed upon foreigners, say English missionaries, in some part of the interior of China inaccessible to "the inevitable gun-boat"; or, which, under the Gladstone Administration is much the same thing, at one of the treaty-ports, accessible to the whole squadron of H. M. ships-of-war on this station. Her Majesty's Minister represents the matter, in the softest tones of remonstrance, to the Central Authorities. They promise a full inquiry and still fuller redress. His Imperial Highness, Prince Kung, in his condescension goes so far as to furnish the

illuminating the "street", as well as the inner courts of the "Yamên". Evidently, the Inspector-General of Chinese Customs is bent on throwing additional light upon a subject, which exhibits in so striking a manner the "*perfect freedom*", claimed by the Hon. Mr. Burlingame for China, "to *unfold* herself precisely in that form of civilisation, of which she is most capable", and "the equal *privileges*" which she is so desirous "to dispense to all nations" (129).

² The Chinese Recorder, Fu-chow, 1871, 8vo., vol. iii, p. 205.

British Representative with a very copy of the official instructions, sent to the local Governor-General. The Minister is in ecstasies. But His Imperial Highness has not considered it necessary to add to his copy of the official instructions a copy of the *secret* instructions, which accompanied them. Nothing is done. Alas! the Central Government is *too weak* to give effect to its most earnest good-will. The case is reported home to the Foreign Office; and the Hon. Mr. Hammond is certain to "assure Her Majesty's subjects of the interest taken by their Government in the security of their persons and their property, but, on the other hand, Her Majesty's Government feel that they may require of British subjects to refrain from any proceedings likely to be misunderstood by the Chinese and so imperil both".¹ Likely to be misunderstood by the Chinese? Imperil "both"? Imperil whom? Her Majesty's subjects, and *Her Majesty's Government*? But, let this pass. It is the delusive idea of the *weakness* of the Central Government, which chiefly enables the Tsung-li Yamên to act with that duplicity which, in its diplomatic intercourse with the Foreign Ministers in Peking, constitutes its vital strength. "In one sense, it seems", as the Hon. William B. Reed so truly remarks (152), "the Emperor knows and directs everything: in another sense, he knows nothing". And in reference to an important secret document, found in the Yamên of Yeh, the former notorious Governor-General of the Two Kiang, he observes with equal truth: "it shows beyond question, that in all that Yeh said and did in relation to the treaty-powers, *he was a faithful exponent of the Imperial will*". That will in China is all-powerful. True, rebellions are one of the chronic institutions of the Celestial Empire; but the institution, with Chinese statesmen, is simply an instrument of government, or an element in the Imperial policy. Only, that occasionally a rebellion is allowed to grow beyond control; and, in such a case, it may assume proportions dangerous even to the stability of the reigning dynasty. As a rule, the Governors of Provinces are completely under the power of the Central Government; the local magistrates and officials completely under the power

¹ The Hon. E. Hammond's Letter, dated Foreign Office, December 28, 1870, to A. Michie, Esq., Chairman to the Shanghai Chamber of Commerce.

of the Governors of Provinces; the people completely under the power of the local magistrates and officials. By way of illustrating these truisms, we may refer to the entry of H. M. Consul Mr. Medhurst, on November 15, 1868, into the turbulent city of Yang-chow (183): not a voice was raised among the immense crowd, assembled on the occasion, against the "hated" foreigner; not an act betrayed the "ill-will" of the people. The most perfect order reigned throughout the place. Again, there is the riot at Nanking, in June, 1870 (194). We see a mob, excited to blood-thirstiness by the local magistrates, about to destroy the mission-houses of the outer barbarians: one word from the Governor-General Ma—, and officials and people, like so many lambs, return quietly to their homes. To the absolute subjection of the Imperial Princes nearest to the throne, and of the most powerful magnates of the Empire, to the Emperor's decrees, we have already alluded (173). In the fourth year of *Kia-Ching* (1799) 'Ho Chung-Tang, who had been the favorite and ruling Minister of the Emperor Kao Tsung-Shun, fell into disgrace. He was a man of enormous wealth. Besides landed and house-property to an amazing amount, he left in his treasury at Canton, in bullion and gems, a sum of nearly eighty million Taels or about twenty-four million pounds sterling. His son had married an Imperial Princess. The crime, of which he stood accused, was the assumption of sovereign prerogatives. He was sentenced to "death by a slow and painful execution", which, however, an act of special grace on the part of the Emperor Jên Tsung-Júi commuted to self-strangulation,—the same manner of death, which, for similar reasons, Prince I and Prince Ching, in virtue of the *coup d'état* carried out by Prince Kung, their brother, on November 2, 1861, were made to suffer. *There is no Government in Europe stronger than is the Central Government of China.*

242. We may now proceed to argue thus: the magistrates of Tientsin, having the people under their control and being in immediate communication with the Imperial Commissioner Chung-'Ho, would not have dared to cause so great a public crime as the massacre of Tientsin to be committed, without the positive

concurrence of the Imperial Commissioner; and the Imperial Commissioner Chung-Ho, having the magistrates of Tientsin, and with them the people, under his control, and being in direct communication with the Central Government in Peking within a distance of eighty miles from his Yamên, would, personally responsible to that Government for the action of his subordinates, not have dared to allow the magistrates and the people of Tientsin to commit an international crime, involving China in the danger of a war with European Powers, without the positive concurrence of the Central Government: hence, the massacre of Tientsin must needs have been carried out with the previous knowledge and the full sanction of the Central Government. And not only is this conclusion a legitimate one, but, in combination with the subsequent action of the Central Government, it is sufficient to carry conviction. On grounds similar to the preceding, we may still argue that the systematic agitation against foreigners, which was kept up by the literate and official classes throughout a large part of China during the last two or three years until October, 1870, must have had, if not the active, certainly the passive, concurrence of the Central Government,—a fact, which lends additional strength to the foregoing conclusion, yet further supported by “the Chinese Government having engaged”,—as M. de Rochechouart informs Count Méjean, and about the date referred to—“to adopt the necessary measures for the perfect security of foreigners, at the present, in every part of the country”, and thereby, and by the unbroken tranquillity which has prevailed in China ever since, showing that the Central Government, in accordance with our view, does possess the most absolute power of control over its people. But, in addition to this evidence of a general character, we are able to adduce special proofs of the guilty concurrence of the Central Government in the Tientsin massacre and the plot of the Summer-Solstice, which, scanty though they must necessarily be, will nevertheless place that concurrence beyond even the shadow of a rational doubt.

¹ In the conversation between the Emperor S'ien-Fêng and Ki, repeatedly alluded to, we read:—“Ki.—As the barbarians cannot dispense with our people in the work of interpretation, Seu and Yeh manage to make their employes furnish them privately every month with all particulars. We are thus enabled to learn everything concern-

243. Sir Rutherford Alcock, in his despatch to Lord Stanley of October 12, 1868, relative to the Yang-chow troubles, observed: "As regards Yang-chow, it is probable that a simple blockade of the mouth of the Grand Canal, stopping all the junk salt trade,—in which the literati, gentry, and local authorities are all deeply interested,—would within forty-eight hours bring them each in their turn to a due sense of their obligations and the folly of their attempts by violence to resist our just demands". Most of the despatches of the Foreign Ministers in Peking come to the knowledge of the Tsung-li Yamén.¹ Its attention was thus directed to one of the most vulnerable points for hostile measures, which it was expected the Plot of the Summer-Solstice would certainly provoke. It was a point, at that season of the year of the greater importance, because a large proportion of the rice-tribute from the South is sent by the Canal for the supply of the Capital. Hence, immediately after the Tientsin massacre, we find the Yang-tse crowded with Chinese gun-boats, conveying troops to a camp formed at Kua-chow, on the north side of the river, opposite Chin-kiang,—the very locality pointed out by Sir Rutherford Alcock. By the beginning of July, 1870, there was a force of about 20,000 men concentrated on that spot. Now, if the Central Government had had no foreknowledge of the planned massacre, and looked upon that little "rioting and brawling affair" at Tientsin as a spontaneous rising of the people, "wholly unimaginable and incomprehensible" to the innocent Government,—why these immediate military movements? how is it to be explained, that every *preparation* had been made to carry them into effect with a promptitude perfectly astonishing in China? But this is not all. We have ascertained it to be a positive fact, that the concentration of troops at Kua-chow from the upper parts of the river, and in a manner which drew attention to the movement of Chinese gun-boats only as of a somewhat unusual character, *had commenced so early as about the end of May, 1870, and that, by the 21st of June, already*

ing them. EMPEROR.—How is it that persons in barbarian employ will, notwithstanding, furnish us with intelligence? KI.—It merely costs a few hundred dollars more a year to bestow rewards on them. For these they are well pleased to serve us".

between 7000 and 8000 men were encamped at "the mouth of the Grand Canal". Quite recently, Tsêng Kuo-Fan has made Kua-chow the naval station of an Admiral. We have also learned from reliable native sources, that *in the month of April and early in the month of May, 1870*, the Governors of all the maritime and some other adjoining Provinces received orders to prepare for war with the foreigner, and to keep their contingencies of troops in readiness to take the field. And this is fully confirmed by the "Peking Gazette", even in so far as Imperial Rescripts and Memorials to the Throne bearing on these preparations were permitted to appear in it, and the Gazette is before us. For the period intervening between April and July, 1870, it presents a picture of military activity, excitement, and encouragements, during a time of peace and tranquillity, quite unique. Reviews are held; troops drilled; barracks rebuilt; gun-boats constructed; honors bestowed; temples erected; even braves are enlisted, and women, who preferred suicide to the chance of falling into the hands of "the outer barbarian", held up as a patriotic example to follow. Nor is it undeserving of notice, that Chung-Ho, as will be seen, appears to take a somewhat prominent part in these doings. Thus we find that Yang Chang-Chên, the acting Lieutenant-Governor of Chih-kiang, having inspected the troops at 'Hu-chow and Kia-s'ing, reports favorably on their condition (before May 7). On the contrary, Ma S'in-I, Governor-General of the Two Kiang, considering his troops to be perfectly unreliable *in cases of emergency*, recommends that they should, partly at least, be first drilled in the foreign fashion, and generally be better disciplined, that their pay be increased and not allowed to fall into arrear, their comforts looked to, and their efficiency be insured in every respect (middle of May, comp. art. 194). Tsêng Kuo-Fan, Governor-General of Chih-li (about the same time), orders additional forces up from An-wei,¹ perseveres, at a heavy expense to the Treasury, in his

¹ The Tientsin Correspondent of the Shanghai "Evening Courier", also, relates the following incident:—"A Chinese Christian coming in from the country, when about 50 *li* from this, took passage in a carrier's cart. Shortly afterwards he was joined by a small mandarin, and a little later by a foot-soldier, who entered into conversation together. The soldier said he had travelled 130 *li* that day, and was going express. The troops, which had come from An-Wei, were pressing on as fast as

endeavours to raise the soldiery of the Province to the highest state of efficiency, and proposes to increase their regular strength to 12,000 men (before June 14). Ting Pao-Chên, Governor of the Province of Shang-tung, reports that, *in obedience to an Imperial Rescript*, he is about to start for a review and inspection of the troops of the province (before May 29). Sung Kuei-Fang is so deeply engaged in organising the army in Fu-kien, that the Governor-General of the Province prays, he may be permitted to postpone for a while his visit to the Capital, whither he had been summoned by the Board of War for an audience of the Emperor (before May 1).² A similar memorial is presented to the Throne by the Governor-General of Shan-s'î in favor of Cha Lung-An, engaged in drilling the banner-men at T'ai-yüan (before May 21). In the same province, new gun-boats are being completed in all haste at Sui-yüan, as we learn from a Memorial, presented to the Throne by Chung-'Ho (before May 20). The Governor-General of the Two Kiang orders the Vice-admiral Wang-chi to return to his post at Lang-shan to expedite certain naval matters, and to complete various changes in the division (before June 3). Li 'Hung-Chang reports, that he took nineteen of his old and tried officers with him to Shen-s'î, and prays for permission to request the Governors of the Two Kiang and the Two Kuang, that the first vacancies within their jurisdiction be filled up from the number of those officers (before June 5). Tsêng Kuo-Fan recommends that posthumous honors and gracious rewards be conferred on a number of officers and men, killed during the Nien-fei rebellion (before May 3). Chung-'Ho memorialises the Throne, praying that the Temple in memory of SAN-KO-LIN-SIN, Commander-in-Chief of the Chinese armies in the last war, and the implacable enemy of foreigners, being near its completion, the Board of Rites may be instructed to send in the posthumous titles of certain of the officers, who were killed in battle under his

possible. Tsêng Kuo-Fan had sent for them to come in haste; these orders they received on the 5th of June, and they left An-Wei in the same month, coming by way of Pan-ting-fu".

² It is thus seen, that the warlike preparations extended to all the Eastern provinces, viz., Chih-li, Shan-tung, Kiang-su, Chih-kiang, and Fu-kien; and most probably, therefore, the Plot of the Summer-Solstice also.

command, for registration in the Temple (before May 1). By an Imperial Rescript, dated May 20, 1870, permission is granted for the erection of Temples in memory of two officers, who fell in the service of their country in the 10th year of S'ien-Fêng (1860). The Governor-General of the Two Kuang prays for permission to erect a Temple in honor of the wife of Li Fu-Tai, Governor of Canton, who strangled herself when the barbarian English were harassing the city in the 11th month of the 7th year of S'ien-Fêng. The Governor-General of the Two Kiang, and the Lieutenant-Governor of Kiang-su, where the adherents of the Ming still muster strong (104), even deem it expedient to build a temple in memory of (Chên Tze-Lung, an official of the late dynasty, who committed suicide because of the Manchu conquest; whilst, by way of encouraging the braves, we find a Memorial presented to the Throne, in April, 1870, praying that some forty or fifty convicts may be granted their liberty, *as a reward for the services rendered by them, as braves, to the Government*. Now, although these indications give, and can give, but a very imperfect idea¹ of the military preparations for a foreign war, which, *previously to the twenty-first of June, 1870*, were made by the Central Government during a period of profound peace and tranquillity:² the latter, in combination with our general argument (242), the conduct of the Government subsequently to the Tientsin massacre, its acceptance of the responsibility of that crime, and its manifest and virtually declared "foreign" policy (178, 173, 177), furnish irresistible proof of the most grave fact, that *the Plot of the Summer-Solstice was designed and carried out with the full cognizance and concurrence, if not at the direct instigation, of the Imperial Government of China; and that massacre and incendiarism enter as elements*

¹ We have not the whole series of the "Peking Gazette" for the period under consideration before us; but have to rely chiefly on the Abstracts, published of it in "the Cycle" (194, 2). They are supposed to be occasionally selected by the confidential adviser of the Tsung-li Yamén himself, and regularly abbreviated for "the Cycle" by his brother Mr. James H. Hart, who, by the bye, was appointed on January 2, 1867, a 4th class clerk, *unattached*, in the Customs; July 1, 1868, a 3rd class clerk, *unattached*; April 16, 1869, a "Knight" of the 3rd class of the Order of the Dragon; November 13, 1869, Acting Chinese Secretary; September 30, 1870, Chinese Secretary. What confirms the supposition in question, is the circumstance that, for the period during which the Chinese Secretary to the Inspector-General was absent

into its *Western policy*. Nor should we omit to mention, in this connection, the remarkable circumstance, that, on May 23, two months leave of absence and a present of five ounces of ginseng were granted to Wên-S'iang; and a few days leave of absence, on account of ill-health, to Prince Kung; and that on June 12, 1870, His Imperial Highness' leave of absence from the Tsung-li Yamên was prolonged for another month.

244. M. de Rochechouart, in his letter to Count Méjean, states:—"I do not believe that in Peking any plot has existed to massacre the foreign residents of this city. Possibly, during the first days after the events of Tientsin, we had to fear a repetition of that mournful tragedy; but, happily, these apprehensions soon vanished on a consideration of the character of the population of Peking, where the Tatar element predominates and, consequently, throws difficulties into the way of any riot, unless provoked by the Central Government itself, which, under the circumstances, would have had no interest in aggravating its situation". We need hardly remark, that the Representative of France appears to us to have altogether failed in comprehending the real position of affairs, and that the logic of his argument is as feeble as we must hold its basis to be. It is the very Tatar element, the very fact that the Chinese Government is Tatar-Manchu,—i.e. the Government of a usurping, now powerless tribe, which has no hold upon the attachment and loyalty of the Chinese people, and suspects, fears, and consequently hates the stranger,—from which the antagonism of the Central Government to foreign intercourse, its unwillingness to increase the material resources, the wealth, the knowledge, and the power of the people, and its reactionary and anti-foreign policy take

from Peking (237) i.e. from the beginning of August to some time in October, 1870, there appeared no "Abstracts of Peking Gazettes" in "the Cycle". The versions are, occasionally, as we have seen, highly colored in favor of the Chinese (p. 484, Note 1), and generally far from reliable.

2 The Mahometan insurrection in Shen-s'î—a Province not to be confounded by the Western reader with the adjoining Province of Shan-s'î—, which Li 'Hung-Chang was sent to quell, was at the time greatly exaggerated as to its extent and importance. We hear little more of it, notwithstanding that Li, immediately upon the Tientsin massacre, transferred nearly his whole army to Chih-li.

their source. The people, left to themselves, are perfectly friendly. "It is the Government and the governing classes, who are hostile", Mr. Gundry also remarks: "the people are either indifferent or well disposed".¹ The reason why tranquillity was maintained in Peking on the Twenty-first of June, 1870, we have previously explained (193). After the explosion of the plot, and its success, at Tientsin, the question assumed a different aspect. The Chinese Government, despite of its protestations respecting the massacre, was prepared for war, and looked upon immediate hostilities on the part, certainly of France, probably of other Western Powers, as inevitable. Nothing, however, was done, beyond a feebly-warning collective protest, and, on the part of the Foreign Ministers present at the Capital and more directly concerned in the events which had occurred, much talk, and more ill-directed zeal. They proved themselves to be no match for the members of the Tsung-li Yamén. And whilst the diplomacy of the Central Government was thus signally triumphant, the Privy Council found itself at leisure, unsuspected by either Mr. Wade or M. de Rochechouart, to discuss, in concert with the War Council, the expediency of joining issue with "the outer barbarian" by a general rising against, and massacre of, foreigners in China. If we are well informed,—and we have no slight ground for placing reliance in our source of information,—the question had been as good as decided in the affirmative, when in the night of the 27th day of the 6th moon (July 25) the news of the declaration of war between Prussia and France reached the Tsung-li Yamén, and was, at day-break, transmitted to the Palace. This news finally turned the balance of opinion in the Cabinet so far as to lead, about the middle of August, to the positive resolution of delay, and the return to a temporising policy. The danger which, in so threatening a form, had hung over the confiding foreign community at Peking and the more wary settlements at the open ports, had, and has, subsided—for a time. No doubt, the reasoning of the Chinese Government was chiefly made to rest on the chances of a general European war; the consideration that, even were such an expectation not realized,

¹ In a letter to "the Times", dated Shanghai, July 15, 1869.

in the same proportion in which Germany and France were mutually exhausting their strength, China would go on increasing her own military resources ; and the hope of creating, in the interval, divisions among the Western Powers by diplomatic action. Had not the Burlingame Mission revealed to the Chinese Government an almost limitless extent of credulity on the part of the Western Cabinets? Chung-Ho must be a sorry diplomatist, indeed, if he were to fail in duping and overreaching European statesmen (177).

245. The discussions of the Privy Council and the War Council, just referred to, being naturally kept very secret, the corresponding interval of suspense furnishes but few traces of the real state of affairs. Yet, such traces are not altogether wanting. To certain, perhaps dubious, indications we have no desire to allude here any further. In Peking, during our prolonged sojourn in that city, foreigners were occasionally, though rarely, called "sons of a devil"; but the charge of kidnapping was, to our knowledge, never brought against them. From about the middle of July to about the middle of August, 1870, they were continually pointed at as "kidnappers"; because, in the semi-official "Peking Gazette" for July 16, there had appeared, from the censor Kia-Hu, a memorial—followed by anonymous proclamations—against kidnapping, based on an instance, stated to have occurred near the *Ha-ta-mén*, from whence leads a street in which several of the foreign missionaries reside; and a native boy, belonging to the school of the Rev. Joseph Edkins, was actually taken to the Yamén on such a charge. At the same time an English gentleman, well-known among, and a favorite with, the Chinese, was told by some soldiers, on their drilling-ground: "We are going to kill you foreigners". There was, no doubt, a better foundation for that warning, than met the eye at the time. On the 25th of July the English cemetery was visited by Chinese officials; as had previously been a Catholic chapel outside the city-walls: with a view, it was pretended, to—the security of foreigners. If we add to these, and other, symptoms the ominous circumstance, that General Chên Kuo-S'úe, in communication with "the war-party" and credibly reported to have had an audience of the Emperor himself, was awaiting in Peking—instead of "orders", let

us say—the course of events, and only left the Capital about the middle of August: with the Tientsin massacre and the Plot of the Summer-Solstice before us, we shall have adduced sufficient evidence to lend to the statement, we felt authorised to make in the preceding article, a high degree of certainty. Nor is there lack of further evidence. The Lieutenant-Governor of Kiang-su, Ting, was once more (193), about the middle of July, by the Chinese Government summoned to Peking. In Shanghai the excitement in the native city was then far greater, than it had been before the Twenty-first of June. In the harbour native gun-boats took up suspicious positions; and junks were placed in readiness to be sunk across the bar, with the view of blocking up the port. “Chinese, friendly to foreigners, counselled watchfulness. They said, we could not be too careful. There was mischief brewing, and we had better prepare”.¹ This was about the 22nd of July. Incendiary placards were freely circulated among the native population; a fire occurred in the immediate vicinity of the French Cathedral; and rumours of a more or less alarming nature were rife. Ting, however, whether on his own responsibility, or under instructions from the Governor-General Ma, “deputed”, as he himself states in a warning proclamation, which, previously to his departure for the Capital, he issued on July 29, “the criminal Judge Ying to Shanghai, to restore, in concert with the Tau-tai Tu, peace and tranquillity”. To this proclamation, and the promptness, energy, and determination to defend the Settlement, displayed by the Shanghai Volunteer-Corps and Fire-Brigade, which, immediately after the Tientsin massacre, had been reorganized at the instance of the Chief-Judge, Sir Edmund Hornby, it was doubtlessly owing that order was preserved at this great commercial emporium until the final determination of the Central Government (244) removed all serious cause of apprehension for the time being. Meanwhile, manifestations of danger, similar to those at Peking and Shanghai, threw every community of foreigners *throughout China* into a state

¹ Mr. Gundry, in his letter to “the Times”, dated Shanghai, July 22, 1870.

² In a remarkable note in the late Emperor's own handwriting, dated *S'ien-Fang*, 1860, September 7, found in the palace of Yuen-ming-yuen a month later, he presses

of alarm. They ceased, *almost simultaneously*, in consequence of proclamations, which commanded both the soldiery and the people to abstain from all hostile demonstrations, and were by the local magistrates promulgated in the early part of September, 1870. These proclamations, as a matter of course, were obeyed. At Têng-chow, by a curious coincidence, the magistrates would appear to have received their instructions on the very day, on which the American missionaries, settled at that port, had, alarmed by previous rumours of an intended massacre, taken their departure (205).

246. We have thus attempted to trace the Western policy and diplomacy of the Chinese Government from the theoretical basis of the former to the actual practice of the latter, as virtually determined by the pressure for a revision of existing Treaties and a solution of the audience-question, brought to bear upon it by Western Powers. However much we may deplore or condemn—most justly condemn—that policy: its purport and character are so patent as not to permit us, even though we would, to shut our eyes to the grave and important fact, that once more China and the West stand in presence of each other; and that, unless the West be prepared to recede from her conquered rights, China is prepared to oppose her advance to enforce them by another “war to the knife”.² In reality, she has already declared this war by the Plot of the Summer-Solstice and the Massacre of Tientsin. China, though still temporizing in the hope of dividing the West against itself, is simply expecting the West to make its choice. Such is the situation. And, with a “prophetic” view to it, already on the 14th May, 1870, “the Cycle” (194, 2) had an article, the writer of which, not difficult to divine although an “independent column” was extemporised for him on that special occasion, expresses himself thus:—

The advocates of pressure and interference and violence would do well to remember, that China is watching the attitude of the nations; she is making a note of friends, and taking the measure of foes; she is intent on all that occurs, is acquainting herself with what the west knows, is learning to do what the west does; her officials are not dullards nor are her people

for “war to the knife”, and considers it “essential that this should begin soon—that it should not be postponed”. (The “North-China Herald” for March 22, 1871, pp. 204—5.)

sluggards; her merchants have money and her scholars have brains; little by little, but yet a little more every year, they are appropriating western discoveries, and availing themselves of western appliances; sooner or later a flowing tide of progress, surging upwards naturally and onwards in the fulness of time, will carry into the Middle Kingdom all the west can teach, and sown in new soil the vigorous healthy seed will re-appear in fresh discoveries and new appliances, and *the west may yet sit a scholar at China's feet*. "Are the things that are useful to them of no value to us? Are our people the inferior race?" Such is the query with which some of the first statesmen of China have wound up their advice to the Throne. Can language be more promising? Can suggestion be more frequent? Is not the pith of the matter there—strong individuality, consciousness of ability and recognition of utility?.....

The foreigner clamours for freer intercourse, for material improvements, for development of resources, and for liberty of investment. Supposing these points conceded, what must be their result? Will not development increase China's wealth? Will not adoption of foreign appliances increase China's strength? Will not both one and other combine to make China the more able to cope with and *eventually dictate to the foreigner*? Supposing a strong China to be the result of any policy, whether of interference or non-interference, which would be preferable—that China's day of strength should follow a friendly and non-interfering policy, or that it should come after meddling, dictation and war?

We can but say of the writer of this mischievous, though foolish composition, what we have said of Mr. Hart (17), namely, that he is a man as dangerous to China, as he is disloyal to England; for, while attempting to mislead public opinion at home as to the military capacity and resources of the Chinese Government, he leads the Chinese Government to entertain an utterly erroneous idea of the resources and power of England and the Western nations generally; thus deceives it; and by grossly flattering its national conceit, encourages it to force upon the foreigner another war, which must needs end in its own discomfiture and defeat, if not in the partial dismemberment of China, and the ruin of the reigning dynasty. Let it be remembered, that "the Cycle" is the political organ of the confidential adviser of the Tsung-li Yamên; and that articles, such as the above, being written for a specific purpose, are supposed to be invariably translated for the information of the Chinese Government. They go far to bear us out in the opinion, previously expressed (15) to the effect that, for any European to maintain himself in the confidence of the members of the Tsung-li Yamên, "he must, whatever he may profess to the contrary,

pandering to their prejudices and flattering their vanity and pride, secretly tender them anti-foreign counsels, intrigue for them to an anti-foreign end, and support them in their anti-foreign policy”.

247. In the almost desperate posture, which the political relations between China and the Western Treaty-Powers have thus assumed, and which leave scarcely room for even the faintest hope of the preservation of an honorable peace, it becomes incumbent on those Powers in general, and on England in particular, to look the coming war resignedly in the face; to devise the proper means for its successful issue and speedy termination; and, above all, to clearly define the objects to be attained by it, as well as the territorial and administrative changes in China, which the attainment of those objects may involve. England, for one State, cannot, it appears to us, afford to allow herself to be embroiled, every decennium, into a military conflict with the treacherous semi-barbarian Government of an antipodian country: she will, in common with the other Treaty-Powers, and in a higher degree than either, possess the indubitable right, as it will be her national duty, to make the next conflict, gratuitously imposed upon her, a war in the proper sense of the term, and to insist, as the price of victory, on such material guarantees as will *effectually* insure the faithful observance of Treaties, the perfect safety of the lives and property of British subjects in China, and the unreserved opening of the interior to lawful commerce, free from all and every illegal obstructions, in future. It may be a matter for consideration, whether an attempt to avert a war, which seems so manifestly inevitable in the end, should, or should not, be made at the present crisis. We are inclined to doubt the expediency, as well as the success, of any such step, unless it assume the form of a joint *ultimatum*, either of the Treaty-Powers as a body, or of England and Russia alone, as the two Powers chiefly interested in the adjustment of Chinese affairs, and whose combined pressure, perhaps not less efficient than that of the united Powers of the West, might be more acceptable to the Central Government. Under any circumstances, the firm resolve of the latter (177), relying on the frail, imaginary strength of the Flowery Land, should be met by the firmer resolve of the Government of

England backed by the overwhelming power of Great Britain, and the Tatar Cabinet be made clearly to understand that, this time, England is in earnest; that no arguments will be listened to; and that the choice of the Manchu Ruler lies simply between the acceptance of the British, or British-Western, demands *and the transfer of the Throne of China to a Chinese dynasty*. It is the deeply-rooted desire of the Chinese people for a dynastic change in this sense, which, despite of the strength of the Central Government for internal administration, constitutes the weakness of the Tatar Administration as opposed to an external foe. The consciousness of this weakness has, in combination with other elements, impressed upon the Western Policy of the present Chinese Government its anti-foreign character. Let, then, the West turn the weakness and the policy of the actual Central Government against itself; and if, instead of listening to reason and submitting to necessity, the now reigning Manchu dynasty persist in its determination to join issue with the Western Powers: a war with China, more just and justified; more easily borne, as regards its expense, by the Maritime Customs Revenue of the country itself; more advantageous, in its consequences, to Western-Chinese commerce and industry; more welcome and beneficial to the native population; and more certain of a speedy termination and the attainment of great results, at a small cost of human life, could hardly be undertaken. Its responsibility will rest with the Chinese Government, and its policy of duplicity, deceit, and massacre. The Western Powers have to defend treaty-rights; to uphold public principles; to vindicate international justice; and to effectually insure the safety of the lives and property of their subjects in China, without the necessity of yet another war, for centuries to come.

§ 19.

PRACTICAL MEASURES INVOLVED IN THE
BURLINGAME MISSION.

248. If we trace the recent, more active diplomacy of the Chinese Government in connection with Western affairs,—which led to the failure of the Treaty-revision, to the Plot of the Summer-Solstice, and the Massacre of Tientsin, and has brought England and other Powers to the verge of a new war with China—, back to its immediate source: we arrive at the Burlingame Mission and its suggestion by the confidential adviser of the Tsung-li Yamén, Mr. Hart. The success of this Mission, in the Chinese sense, constituted a great triumph. It was insured, as we have seen, in the first place by diplomatic fraud on the part of Western men; in the second place by the warm support given to it by the then British Minister in Peking, Sir Rutherford Alcock, and the Government of the United States, which took upon itself to patronize the Mission, and to offer to it a friendly introduction to the Christian States of Europe, with the assurance of a cordial welcome (136). We need not say that the American Cabinet, in adopting such a course, was utterly unconscious of the unheard-of deception practised upon it by a falsified translation of, and signature (132, 134) to, the Hon. Mr. Burlingame's Letter of Credence, and what appears to be to all intents and purposes a forged instrument of "full powers" (132, 135). But, the greater the responsibility thus incurred by the United States Government in taking the initiative to support, by introducing to the European Courts, a Mission equally insulting to them and to itself (74—77); whose sole object was to impose (81—83) and to mislead (123—129); and whose sole authority rested on conspiracy (84—90): the more patent appears to us to be its duty, now that such grave and well-substantiated charges against

the promoters of that Mission are publicly brought under its notice, to take the initiative also in referring these charges to the legal advisers of the Government, and in ordering, whether in concert with England or independently, a full and public investigation into the same. The official acknowledgment of the Chinese vassalage of the North-American Republic and its free people, from the Government of the United States obtained by means of a diplomatic fraud, and the important bearing of a fraud of this kind on the public service of the country constitute two elements which, in our judgment, would alone suffice to render such an investigation imperative.

249. The case of the Home Government differs from that of the United States only in so far as it remains to be seen, whether the semi-official translation of the Hon. Mr. Burlingame's Letter of Credence, officially presented to it, is also signed "T'UNG-CHIH", conveying the false impression of "T'UNG-CHIH" being the name and the signature of the Emperor of China; whether, and in what terms translated, a document falsely purporting to be the full power of the Burlingame Mission has been officially presented also to the English Foreign Office; and, if so, who is the responsible translator or author of such document. That the falsified version of the Mission's Letter of Credence, as contrasted with the true sense of the original claiming for the Emperor of China the divine Right to the Crown of the British Realm,—a claim by the Government of England officially admitted on the strength of the falsified version,—renders the author and the approvers of the latter liable to the charge of conspiracy against the Crown and Dignity of Her Majesty Queen Victoria, we hold to be an unquestionable fact, both as such and in law. But, on taking our oath of allegiance as a naturalized British subject, we did "*sincerely promise and swear, That I will be faithful and bear true Allegiance to HER MAJESTY QUEEN VICTORIA, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever, which may be made against Her Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and Traitorous Conspiracies which may be formed against Her or them*". In obedience to this oath, we have done our duty in directing the

attention of Her Majesty's Government to the plot or conspiracy in question: not doubting but that Her Majesty's responsible political and legal advisers will do theirs.

250. A second measure in connection with the Burlingame Mission, which appears to us to devolve as a public duty on the Western Governments, in treaty-relations with China, generally, and Her Majesty's Representative in particular, is to demand of the Tsung-li Yamén the removal of its confidential adviser Mr. Hart, as Inspector-General of Chinese Maritime Customs, from Peking. The question, as a question of right, is a very simple one. In his despatch, dated Peking, November 23, 1863, to the American Secretary of State, the Hon. Mr. Burlingame, then United States Minister, writes thus:—"At another interview at the United States legation Sir Frederick Bruce, the British Minister, heard, as I have done before, their—the Chinese Government's—complaints against Mr. Lay, and of their determination to dismiss him...After what had happened, we—Sir Frederick Bruce and the Hon. Mr. Burlingame—*felt it to be our duty* to urge upon the expediency of not permitting the inspector of customs, or any other foreign employé, whose business was on the coast, to reside at Peking in a *quasi* diplomatic capacity. In this view they most heartily concurred, and immediately appointed Robert Hart, esq., in the place of Mr. Lay, with instructions to reside at Shanghai".¹ This passage shows in the first place, that the Foreign Ministers in Peking have neglected their duty—for reasons and under circumstances, into which we see here no occasion to inquire—not only in allowing Mr. Hart to remain at the Capital, but, by their undiplomatic, undignified, and we may add unprincipled condescension to negotiations and the transaction of ministerial business with, or through, him, in enabling an ambitious, intriguing, incompetent, and irresponsible intermediary between them and the Tsung-li Yamén to attain to a position, *which has reduced their own to that very level of subordinates, contemplated by the Chinese Government in employing Mr. Hart in a quasi-official character*, and which position alone has rendered it possible for him

¹ Papers relating to Foreign Affairs, Washington, Government Printing Office, Part iii, 1865, 8vo., pp. 348, 349.

to work the mischief he has done. In the second place, the passage, we have quoted, shows that the Treaty-Powers possess the clearest right, conveyed by the terms of Mr. Hart's appointment, to demand his immediate removal from Peking and from his *quasi*-official position as confidential adviser at the Tsung-li Yamén. We venture to think, that the many and varied reasons, adduced by us in the course of this essay for the necessity of such a step, will be considered sufficient by the Western Governments generally, and by Her Majesty's Government in particular; and that, in the interests of China as well as of America and Europe, they will see reason to instruct their Representatives in Peking accordingly. Unless we are greatly mistaken, that step will, moreover,—the contrary opinion of some of the Ministers notwithstanding,—be the indispensable preliminary to any satisfactory solution of the audience problem; since it is obvious that, with the admission of Foreign Ministers to the Imperial presence, the political influence and occupation of the confidential adviser of the Tsung-li Yamén will be gone. Under these circumstances we refrain from entering, for the present, into a fuller discussion of the subject. Whether, setting other contingencies aside, Mr. Hart should be permitted to retain his position as Inspector-General of Chinese Maritime Customs at Shanghai, is a question, which may, or may not, concern the Western Cabinets. If the Chinese Government itself, regarding his administration in a "cosmopolitan", equitable, and financial point of view, entertain any doubt as to its character: we would suggest the appointment of a Chino-European Commission of Inquiry, as the best means to arrive at a just and satisfactory conclusion thereupon. We are unacquainted with one single redeeming feature in Mr. Hart's public conduct as an employé in the Chinese service,—and in no other sense have we ever spoken of him in this book,—that would entitle him to any kind of consideration.

251. The third and last desirable measure of a practical nature, brought into prominence by the Burlingame Mission and of which we have here occasion to speak, is one of considerable diplomatic importance, but at the same time, we fear, of considerable diplomatic difficulty. We allude to a definite arrangement of the Title question, involving

that of the pretensions of the Emperor of China to the Divine Autocracy of the Earth, and the propriety of the Representatives of Foreign Powers in Peking continuing to hold diplomatic intercourse with the Tsung-li Yamén, as a temporary "Commission for the General Control of Individual Tributary-States' Affairs". The time, it seems to us, has arrived for the necessity that this Commission should be converted into a permanent and duly recognized Government Board, under a title unequivocally admitting the Sovereign-rights of Foreign Powers, and the perfect equality of the latter with the Emperor of China; that the respective Titles of all should be regulated in the same sense; and that Treaties should be worded, and the entire diplomatic correspondence and intercourse be conducted, on the same principle, in future. The true merits of the question of the Title of the Emperor of China have been greatly misunderstood. Its objectionable element consists, not so much in the designation of 大皇帝, "the Great Exalted Monarch (and Highpriest)" as in that of 大清國, "the Great Ching Empire (of the World)". Let the latter designation be changed into 大中國, "the Great Central Empire", thus restricting its geographical meaning to *China Proper*, which every Chinaman will so interpret, and the former will at once lose its implied universal significance, and become not only acceptable for the Emperor of China, but applicable also to the Imperial Sovereigns of Europe,—Her Majesty Queen Victoria, Empress of India, the German Emperor, and the Emperors of Russia, Austria, and France (?). To maintain the distinction between the Imperial and Royal dignities of Europe in Chinese diplomacy, we would propose for the Title of "Kings", that of 大皇上, which, from its *literal* meaning of the Great Exalted "Superior" or "Chief", *i.e.* President, would, taken in its *literal* sense, be equally appropriate for the President of the United States, as conveying to the Chinese people the dignity of "the chief of a great and powerful nation", whilst satisfying the most republican scruples of an American citizen. The present unintelligible medley of characters, used to designate the First Magistrate of the United States, is simply calculated to evoke ridicule or wonder in the Chinese mind. In order to render the measure, here

proposed and which is of far higher importance than it may appear to the European reader, truly efficacious, it will be necessary to induce the Chinese Government to adopt a proper system for the due promulgation of all treaties, conventions, and arrangements, concluded with Foreign Powers, throughout the Empire, so as to bring them to the knowledge of the Chinese people; without which they will ever remain a dead letter.

§ 20.

CONCLUDING REMARKS.

252. During the progress of these pages through the press, which has occupied the better part of a year, the Burlingame Mission came virtually to a close by the sudden and premature death of the Hon. Anson Burlingame, after a short illness and within a few days subsequent to his arrival in St. Petersburg. To the last deceiving himself, and labouring to deceive others,¹ he left China to her own resources on February 23, 1870. The Imperial Government, appreciating his rare accomplishments, and grateful for the eminent services which he had rendered towards the unification of the whole human race, if not towards the construction of a ship canal across the Isthmus of Darien (136), devoted, amidst the cries for bread of millions of its starving subjects, a large sum of money,—if we remember rightly, about £5,000—to his funeral and his oblivion. Since that epoch, the only sign of vitality evinced by the Mission is a letter, dated July 27, 1870, to the French Minister of Foreign Affairs, reading thus:—

¹ The following letter, published by "the Cycle", was addressed by the late Mr. Burlingame, shortly before his death, to a friend:—

"Berlin, 7 January, 1870.

My dear Colonel—,... My mission prospers. In all that has been said against it there is no word of truth. I am sorry to say there is a party in England and, indeed, in China, which assumes that it will be a bad thing to treat the Chinese with justice. This is natural. Under the old system of force, this party found means to settle everything from its own point of view, and in its own favour. This system has been destroyed by the arrangement concluded by Lord Clarendon and myself. This arrangement is that England should treat China with consideration, that force should not be employed but to protect life and property, and that all difficulties should be treated diplomatically before any resort to force. Such a loyal system ought without doubt to be received with acclamation, but you cannot reason with such men. See what magnificent support the President has given to the mission. With Grant, Napoleon, Clarendon, and Bismark the men who wish to humiliate China will not succeed.

ANSON BURLINGAME".

It is with a profound sentiment of grief that we learned that the scenes of murder and devastation which occurred at Tientsin, through a popular rising, have been confirmed by a telegram lately received from Count de Rochechouart. We have, on the other hand, been semi-officially informed that the Chinese Government has confided to a functionary of elevated rank and eminent capacity the care of opening an inquiry relative to these regrettable events. We do not hesitate to affirm that this high personage, whoever he may be, will use the greatest diligence in acquitting himself of his mission, regulating his action on treaties and laws. This is for us a reason to hope that the negotiations previously commenced between the Duke de Grammont and ourselves, with a view to arrange as we have done with the principal Courts of Europe, the bases of a durable understanding on the principles of international law, and which have been so unfortunately interrupted at the moment they were about to be completed, will be resumed hereafter. Under existing circumstances we propose to leave Paris for Spain to-morrow. We shall shortly return, and, in the meantime, ask permission to take leave of your Excellency in renewing the assurance of our high esteem.

In the early part of November, 1870, the Mission returned to the Northern Capital; Mr. Brown resuming his former position at the British Legation: whilst the temporary services of M. Deschamps, it is reported, were by the Inspector-General of Chinese Maritime Customs, Mr. Hart, lent to the Legation of France; M. de Rochechouart having despatched his Interpreter, M. D  v  ria, with his Excellency Chung-Ho to Paris. Between the Great Powers of England, France, and Ko-lan 'hu-tung¹ the *entente cordiale* in China is perfect.

253. Simultaneously with the return of the Burlingame Mission, the arrival of the Hon. William H. Seward, the former American Secretary of State, on a visit to China, took place. He went up to Peking, accompanied by Admiral Rodgers of the U. S. Navy, and an escort of marines and musicians. The distinguished party, having invited themselves to the Tsung-li Yam  n, were hospitably received; but His Imperial Highness Prince Kung, "to interview" whom had been their special and fondly cherished desire, was seized with a sudden attack of colic, and consequently, "to His Imperial Highness' infinite distress", unable to see "China's best friend and treaty-maker". Even W  n-S'iang contented himself, in reply to the Hon. Mr. Seward's proposal to pay his respects to his Excellency, "to engrave that proposal on his heart and to write it on his

¹ It is in         , "Crooked Railing Lane", that the Inspectorate-General of Chinese Customs is situated.

bones". So the travellers betook themselves for philosophic consolation, a self-congratulatory exchange of compliments, and a suitable spot whence "to look down upon the declining power of China", to the Great Wall. The particulars, too rich for comment, we learn from a paragraph in "the Shanghai News-Letter" for December 13, 1870, reading thus:—

We are enabled to publish the following documents, which will be read with interest by the people of America :

UNITED STATES LEGATION,
Pekin, November 8th, 1870.

Your Excellency,—Having arrived at Peking, on a journey through the East, I have had an earnest desire to obtain the advantages of an acquaintance with the Statesman who has figured so long and eminently in the Chinese Empire.

I learn with sincere sorrow of your illness, which has prevented a public meeting with your Excellency at the Office of Foreign Affairs.

May I take so great a liberty as to ask, that you will allow me to pay my respects to you at your private residence, if the state of your health shall at any time permit. With distinguished respect,

Your obedient servant,

His Excellency Wên-s'iang.

WM. H. SEWARD.

Reply of Wên-s'iang.

I have had the honor to receive your note. I have long heard of your Excellency's great fame, which for many years has been cherished by all nations, and I myself have also exceedingly respected you, and longed for a better acquaintance. Since you have come to this country, its high officers will be still more desirous of seeing and conversing with you ; but as for myself, my old malady having returned, I have been obliged to ask for leave of absence ; and it was a cause of regret and disappointment that I was unable to meet you on the 7th instant, when you visited the Foreign Office.

I have your note of yesterday, in which you propose to yourself the great trouble of coming to see me,—a proposal that I shall engrave on my heart and write on my bones. But my residence is mean and small, and its condition would I fear offend you, which would be a matter of deep regret to me ; and I have therefore set apart the 11th instant, to come and call on you at one o'clock p.m., if I am anywise able to do so, when we can converse at length.

I shall be pleased to receive a reply, and avail myself of this occasion to wish that happiness may daily be yours.

November 9th, 1870.

Card of Wên-s'iang.

*List of presents sent to Honorable William H. Seward
from the Foreign Office at Peking.*

One pair vases, one pair enameled vases, one pair enameled eagles, one pair double enameled vases, one pair carved lacquer boxes, one pair enameled fish jars, eight pieces silk of different colors ; with the cards of Prince Kung and his associates in the Government.

Remarks of Hon. Mr. Seward, addressed to Rear Admiral Jno. Rodgers, on the Great Wall in China, November 13th, 1870.

Admiral :—The Government of the United States has informed me that it has instructed you to show me convenient and suitable respect, if I should be so fortunate as to meet you in this journey in Foreign waters. As an acknowledgment due from me to the Government and yourself, I now request you to report to the Honorable Secretary of the Navy that, together with your official staff, you have kindly and gallantly attended me from the port of Shanghai, where we met, over the stormy Yellow Sea, up the tortuous Pei-Ho river, and over the plains, through the city of Peking, to the Great Wall, from which I have been able to look down Southward upon the declining power of China, and Northward upon the aboriginal region of the North Pacific Coast of the Asiatic continent.

I shall come short of my duty, if I shall not be able to improve this great experience for the benefit of our country and of mankind.

Reply of Rear Admiral Rodgers.

Mr. Seward :—I have esteemed myself fortunate, as well as happy, in having had an opportunity afforded me of attending you to Peking, and to the Great Wall of China—fortunate in having your ripe and varied experience to assist me in forming opinions, and in drawing deductions from what I have seen ; happy in the continual familiar intercourse with one whom it is not only a duty but a pleasure to honor.

Truly do I hope that your health may continue no less robust, and your endurance no less marked, than in our rough experience together, and that your personal observations in other climes of other peoples, may not be of less interest and benefit to mankind than those you make here.

After his return from Peking, the Hon. Mr. Seward ascended the Yang-tze as far as Hankow and Wu-chang, at which latter place the great friend of China was, as though he had been a common barbarian,¹ pelted with stones by a Chinese crowd.

254. We are inclined to think that, had the illustrious American statesman visited the Celestial Empire before the advent of the Burlingame Mission, he might have saved himself a great responsibility, and his country a great humiliation ; but how, at this time of day, he will be able to “improve his great experi-

¹ There appeared, in reference to this occurrence, in the “North-China Herald” for December 21, 1870, a letter signed “ANOTHER VICTIM”, which deserves a place here. The writer and his position are unknown to us. It reads thus :—“Dear Sir,—I am glad to learn, that the Taotai of Hankow has expressed his regret for the assault upon Mr. Seward and his party whilst visiting Woochang, and has given orders for the issue of proclamations prohibiting a recurrence of such insults to foreigners.

This is all very well as far as it goes ; but I would not have either Mr. Seward

ence for the benefit of the United States and mankind", unless it be by frankly admitting that his policy in China has been, from first to last, one great radical error, we are at a loss to conceive. We fear, there is but little to hope from the visit of the late American Secretary of State to China, because, in a public speech, delivered by him at Hong-kong on January 2, 1871, he is reported to have stated:—"The free emigration of Chinese to the American and other foreign continents is the essential element of that trade and commerce—commerce by steam, across the American continent and across the Atlantic ocean—. Chinese emigration to the American continent will tend to increase the strength and wealth of all Western nations, while, at the same time, the removal of the surplus population of China will tend much to take away the obstructions, which now impede the introduction into China of Art, Science, Morality, Religion". A more imaginary, a more erroneous, and a more pernicious doctrine it would, in our judgment, have been difficult to enounce in so few words. We, on the contrary, would impress upon the American people what simply appears to us a palpable truth, namely, that *Chinese immigration into the United States, if not checked in time and with energy, must ultimately prove a greater curse to the North-American Republic, than ever negro-slavery has been.*

255. The Chung-'Ho Mission has found its advocates, whose distorted and purely subjective views, at variance with positive or well-ascertained facts, demand no further notice. An English version, however, of M. Fontanier's letter, "written on the very day of his massacre", to the French Chargé d'Affaires, and which, M. de Rochechouart states, "supplies the strongest proof in favor of His Excellency Chung-'Ho's innocence, has just been published in the American "Papers relating to Foreign Affairs"; and we are glad

or the public believe that this reparation has been elicited by the nationality, standing, or worth, of the gentleman concerned. The letter is a hollow formality, as are all such official utterances. A similar form was gone through once when I had the pleasure of being pelted; and I fancy the archives of every Consulate in every port will be found full of such empty expressions of regret and promises of atonement. Nay, I would venture to bet that the proclamations, if ever issued at all, were but sparsely exposed, and as quickly removed, and that were the same party to visit Woochang again without previous warning, they would be similarly treated".

to have still the opportunity to reproduce, and remark upon, it in this place. It reads as follows:—

Tientsin June 21st, 1870.

M. LE COMTE,—Our little city of Tientsin, usually so quiet, has for some days been disturbed by the cries of noisy mobs in the neighbourhood of the establishment of the Sisters of Charity and this Consulate. The Sisters are accused of taking out the eyes of children, and some of the boldest have dug up the bodies of those taken from their hospital. Lately the intendant Taotai of this circuit wished to show me the deposition of many witnesses who declared that they had been victims of the persons employed by our missionaries to recruit young children for them. I had no difficulty in proving to him that all these rumours were the result of ill-will; but as he had presented the matter officially, I promised, on his repeated demand, to see to it that our Sisters of Charity should employ only persons of tried character.

Some hours after this meeting, on the 19th, the District Magistrate (ohih-s'ien) came to the consulate, accompanied by a deputy from Chung How, with the design of provoking forthwith an official investigation of the houses of the Sisters and Lazarist missionaries, but as he committed the impropriety of getting into a passion, and even of threatening me with the resentment of the people, apparently determined to exact from me that which his superiors only a few hours before had left entirely to my judgment, I took advantage of it to break off the interview, by recalling to his notice that it was only with the Superintendent of the three Northern ports that I intended to continue this affair; but that I should none the less hold him responsible for the consequences of the troubles he seemed to be so willing to threaten me with, and of which I was persuaded he was the sole instigator.

I requested the deputy from Chung How to inform his Excellency of the result of my interview with the District Magistrate, until I could go myself to complain to him personally of the unbecoming conduct of this official. I had the pleasure yesterday morning to receive a visit from Chung How.

He spoke in strong terms of reprobation of this Magistrate, though meanwhile trying to excuse him. I complained to him how little value the local authorities had given to his remarks, when he had tried to contradict the false rumours circulated against our missionaries, the final cause of which must be found in the obligation to let them adopt a course in which he had attached to him anew the epithet of *the right arm of Europeans*.

This little incident, which would perhaps have taken a bad turn unless Chung How had interfered, now seems to me, to-day, to be pretty much finished. He has moreover promised me that, in a few days, he will issue a short proclamation to quiet the minds of the people.

We may as well observe that this despatch, although dated the 21st of June, had in all probability been composed on the preceding day; because already early in the morning of June 21, there was considerable popular tumult in the vicinity of the French Consulate,

and, manifestly, the second visit of the Magistrates at about 9½ o'clock a.m. (195) had not taken place when the letter was written.

256. Now, if further proof were needed to establish Chung-'Ho's guilty participation in the Tientsin massacre, such proof would be furnished by that letter. The late Imperial Commissioner is, as we have already remarked, a consummate hypocrite; all Chinese officials being so, more or less, by education, habit, and "social necessity". He had created for himself, among foreigners, the reputation of being well disposed towards them, by a certain familiarity and condescending politeness, by slight attentions and those general professions, which cost nothing and mean less. If his admirers or defenders were called upon to adduce one single instance, in which he had by a decided course of action proved himself to be "the right arm of Europeans": they would be at a loss to do so. If he "employs foreigners", he employs them exclusively for anti-foreign purposes. In the case of the murder of the Rev. Mr. Williamson, he passively shielded the guilty from justice, and thus actually protected the crime. Certainly in the Tientsin massacre, Chung-'Ho did *not* sacrifice the life of M. Coutris; but, the fact that M. Coutris had taken refuge in his Yamên being known to hundreds of Chinese, including Christian converts: could he, for his own sake, do otherwise than afford him protection? And would not, moreover, the fact of "his having saved the life of a foreigner from the fury of the people", proclaim his innocence of every participation in that great international crime? There are several prominent points, to which our attention is called, in M. Fontanier's letter. The first is that, to all appearance at least, it contains the admission that native Christians were (and are) employed by the Catholic missionaries and the sisters "to recruit young children for them";—an admission, which renders a public investigation of the charges brought against the missionaries generally (235), the more imperative. The second point is, that not only were, on the 19th of June, the Tientsin magistrates sent by Chung-'Ho's orders (210, 221) to the French Consulate, but that the Chih-s'ien "was accompanied by a deputy from Chung-'Ho" to "provoke" and "exact" an immediate inspection of the establishments

of the missionaries and the sisters, and that they "threatened the French Consul with the resentment of the people". Being the subordinates and agents of the Imperial Commissioner, they must necessarily be supposed to have acted according to his instructions; and their threatening M. Fontanier with the resentment of the people clearly shows, in connection with the measures previously taken to excite the populace (195), what the object of the visit and the proposed official investigation really was (221). And all this is fully confirmed by Chung-Ho calling on the French Consul early in the following morning, and his strongly *blaming*, or pretending to blame, and trying to excuse, instead of defending and explaining, the Chih-s'ien's action, as he would have done had that action sprung from motives friendly to foreigners. A third point is M. Fontanier's misplaced confidence in Chung-Ho and his deceptive assurances, to such a degree as to utterly blind him to the dangers and the duties of his position, until, suddenly and terribly undeceived, *it was too late*, and with his life he had to pay the forfeit of his error. The fourth, and relative to the subject of our discussion most important, point is Chung-Ho's duplicity and treachery. We are not alluding to his reproving and excusing the Chih-s'ien in the same breath; but to the obvious aim of his visit to M. Fontanier, in the morning of June 20. It was a twofold one. In the first place, he wished to impress the crowd, who saw him go to the Consulate of "the foreign kidnappers", with the idea of the gravity of the state of affairs and the necessity for his proceeding in person to investigate matters (195, 221): for, the object of his visit must be deduced from its effects, which tended greatly to further excite the people; and had his desire been to allay that excitement, he would not have anticipated M. Fontanier's announced visit, but awaited it at his own Yamên. In the second place, Chung-Ho, apprehensive lest the Chih-s'ien's conduct should have excited M. Fontanier's suspicions, and lead him to institute more formal inquiries and adopt measures, which might have frustrated the whole plot, went at once to *lull the French Consul into a feeling of security*, and consequent inactivity.

257. Let it be remembered, that for the intended massacre of

foreigners the day of the Summer-Solstice had, nearly a week previously to Chung-'Ho's visit, been fixed by public placards, which must of necessity have become known to the Imperial Commissioner of Tientsin; that his immediate subordinate, the Chih-fu, had issued an official proclamation of the most incendiary character against kidnappers, which was intended to be, and was, understood by the whole populace of Tientsin to apply to the foreign missionaries; that his official attention had already twice been called to the exciting nature of that proclamation, by the British Consul; that he had silently or passively sanctioned the *illegal* execution of two persons accused of kidnapping, likewise by order of his subordinates the Chih-fu and Chih-s'ien, for the obvious purpose of inducing the people to take the law against "the foreign kidnappers" into its own hands; that he was responsible to the Chinese Government for the acts of his subordinates; and that he continued day after day in personal communication with them. In addition to this, we now learn, through M. Fontanier's letter, from himself that, already previously to the 20th of June, he had been in criminal consultation with the Tientsin magistrate, his subordinates, respecting the contemplated massacre (221); although, with the intelligible view of covering his own guilt, he "spoke in the strongest term of reprobation of the Chih-s'ien", and, on this occasion too, professed that "he (Chung-'Ho) had refused to join them (the Chih-fu and the Chih-s'ien) in their proposed course",—an empty profession, disproved by the attending circumstances and the resulting facts. If, with all this evidence, fully supported and strengthened by Chung-'Ho's subsequent acts and conduct, under our eyes, there be still those, who can doubt whether, "when talking to Consul Fontanier, on the day before the massacre, he was aware of the fearful tragedy about to enacted" *i.e.* whether he was aware of the massacre being contemplated: we really, with every disposition to admire the faith of such sceptics, cannot but look upon their doubts as utterly irreconcilable with reason and common-sense. We have shown not only that the Imperial Commissioner at Tientsin was precognizant of the Plot of the Twenty-first of June, but that, by his complicity in it before the fact, he had incurred the penalty of

death according to the laws of China. It was, therefore, an act of treachery of the darkest hue, when, on the morning preceding the day publicly appointed for the massacre,—a circumstance, of which, strange to say, M. Fontanier would seem to have been ignorant,—Chung-'Ho, anticipating the visit of the latter, proceeded to the French Consulate for the twofold purpose of further exciting the populace of Tientsin, and lulling M. Fontanier into a feeling of security, by disarming his suspicions, and assuring him that, notwithstanding the disposition of the local magistrates and their unwillingness to listen to his (Chung-'Ho's) defence of the missionaries, the French Consul might rely on the Imperial Commissioner's "interference", notwithstanding its having anew exposed him to obloquy and the epithet of "*The right arm of Europeans*"; that he might look upon "the little incident" as "pretty much finished"; and that, "in a few days" a short proclamation should be issued to altogether "quiet the minds of the people". On the 22nd of June, the day following upon the massacre, a short proclamation of the kind was, indeed, issued by Chung-'Ho (202). Did he, then, already at his interview with M. Fontanier bear that particular proclamation in mind? Be this as it may: the letter of the unhappy victim of his treachery fully bears us out in the view we took, on the ground of independent testimony, of Chung-'Ho's guilty concurrence in the Tientsin massacre generally (221—223), and especially of his premeditatedly consigning M. Fontanier and M. Simon to certain death (197, 222).¹ We can respect those who, not amenable to the logic of reason, experience, and facts, *conscientiously* believe in, and continue to defend, Chung-'Ho's assumed innocence: but whether it be possible to absolve anyone, who has actively furthered

¹ An apparently direct proof against the Imperial Commissioner is just adduced by "the Shanghai Evening Courier", for April 4, 1871, with the remark that "the witness, a highly respectable foreigner, can be produced, if necessary". "He was", the account reads, "at the time of the massacre engaged in a public Department of the Chinese Government, a short distance out of Tientsin, which Chung-how had frequent occasion to visit, and thus came to know our informant very well. On the morning of the 21st June, Chung-how, to the surprise of every one, came to this establishment at the early hour of eight o'clock, and asked our informant to walk round the place with him. As they proceeded round, Chung-how talked about a variety of subjects, but with the air of a man who was pre-occupied with something else. At length he went away, leaving our informant wondering what this visit could

his mission as an Ambassador to Europe, of a participation in his assumed guilt (238), we will leave to the judgment of the reader to decide.

258. The perusal of the despatches of the Hon. Mr. Low, United States Minister at Peking, relative to "the terrible riot which occurred at Tientsin", affords an interest painful in more than one sense. The first composition, dated Peking, June 27, 1870, might be taken for "a penny-a-liner's report", rather than for an official document. Although he makes "the Consul (M. Fontanier) undoubtedly reach the *yamun* of Changhow (Chung-'Ho) in a state of excitement bordering upon insanity", the American Minister "don't believe, notwithstanding Changhow's statement, that the Consul fired a pistol at him in his *yamun*"; but, at the same time, "doubts not that, in the excitement, he (outside) shot two or three shots from his revolver at the crowd". He is of opinion, that "the reported atrocities connected with the assassination of the Sisters seem too horrible and fiendish for belief"; and that "the fury of the mob seems to have been directed toward the teachers of the Catholic religion, in which the Chinese appear to have included *all Frenchmen*", and "by mistake three Russians, the mob supposing them to be Frenchmen". Arguing on the theory, "that the motive which incites riots is, during their progress, often lost sight of, and their subsequent acts are controlled by persons, who join them for purposes of robbery and plunder alone", the Hon. Mr. Low arrives at the conclusion that: "*it is only in this view of the case that there is danger in the future; and I shall not feel sure of quiet and order until a gun-boat arrives at Tientsin*". He then goes on to say:—

mean. Very shortly afterwards the mandarin in charge of the Department referred to, came in search of him, and told him that Chung-how had left a message with him (the mandarin) for him. Naturally enquiring what the message was, the mandarin replied: 'He desired me to tell you not to be alarmed, as no one will be attacked but the French'. Our informant, who did not go much into the city or foreign Settlement, could not, when he heard this message, understand its import. But the words awakened misgivings, and he went off to the Settlement to enquire into the state of things. Of course, he speedily learned what the words foreshadowed. Indeed, he was not long in the Settlement when the smoke of the burning Consulate began to be seen. This evidence is, we think, sufficiently strong and direct to prove that Chung-how had a distinct knowledge of what was about to happen".

Until further intelligence is received I forbear criticising the cause which led to this terrible affair, or speculating upon the probable or possible effects of it, upon the future intercourse of China with the western nations. Enough, however, is known to establish clearly three facts :

1st.—That the action of the Sisters of Charity, or of those who controlled their institution, in the purchase of children, was the cause of the rumours which incited the mob.

2nd.—That the action of the mob was not directed against foreigners because *they were foreigners*. It appears, rather, to have been a religious crusade against Catholics; not particularly for the reason that Catholics were teaching the Christian religion, but because of their action in filling the asylums with children against the wishes of the Chinese, and in a manner calculated to arouse prejudices and engender hatred. All French subjects were included in the category of those who committed these crimes, because the French government appeared to be the guardian and protector of the Catholic missions.

3rd.—That the action of the French Consul was unwise, in not giving his consent for the use of any reasonable means to disabuse the minds of the people and allay the excitement; and also in firing his pistol into the crowd of people, which precipitated a bloody collision between natives and foreigners, thereby sacrificing his own life and the lives of others who had placed themselves under his protection.

I think I hazard nothing in saying that the representatives of Great Britain, Russia, and North Germany agree with me in these opinions.

The following despatch of the American Minister is dated July 27, 1870. He remarks in it, that "many of the corpses (of the victims of the riot at Tientsin) recovered, were horribly mutilated, indicating that the fury and fiendishness of a mob composed of Chinese may be equalled, but cannot be excelled, by the wild savages of the American continent". And, strange to relate, whilst admitting that "the complicity of the local officials in this affair seems to be more certain, the more it is investigated", to the Hon. Mr. Low "the decree appointing Tsunghow as imperial envoy to proceed to France to endeavour to arrange this difficulty, *appears a step in the right direction*". Nay, in answer to the Tsung-li Yamén's official notification of that appointment, which was made on June 28, when in the very eyes of the Emperor he continued still a culprit (231), the American Minister writes to Prince Kung on June 30, 1870:—

His Excellency Tsunghow has so long been in charge of the trade at Tientsin, that he has become thoroughly conversant with it; and of all the details connected with the recent riot at that city, the killing of the French Consul, and what followed, he was an eye-witness. In respect, therefore, to the causes of this excitement and the subsequent attack, he will, in his position of imperial envoy to France, be able to fully explain all that took place on that occasion, and remove the apprehensions of the French people

as to what may grow out of this very serious affair. The origin and progress of the agitation up to the final outbreak are all well known to him, *so that his appointment at this juncture as a special envoy seems to me to be a wise step.*

Could undiplomacy be carried further, than it is done in this letter?

259. In his next despatch respecting "the late riot at Tientsin", of August 24, 1870, the Hon. Mr. Low still keeps to his first impressions, notwithstanding the "pains which had been taken to ascertain the fact whether it was local in its origin, or whether it was a part of a wide-spread conspiracy"; adding: "My opinion from the first has been that the disturbance was local, confined to Tientsin and its vicinity. I do not believe there was any knowledge of the intended riot among the natives in this city, eighty miles distant. All the testimony that comes to me from reliable sources, only confirms the opinion I had formed". We apprehend the "reliable" sources of information, at the disposal of the Hon. Mr. Low, are as unreliable, as they appear to be restricted. Still, despite of his unaltered opinion, he "regrets to be compelled to say that the delay of the officials in this whole matter argues ill for the future"; and, after remarking how the whole population of "a city of 400,000 inhabitants either aided in the massacre—for it (the riot) can be called by no other name—or sympathises with the criminals", that "it is this spirit among the people which portends evil", so that he "shall not be surprised to hear of similar outbreaks elsewhere, unless a change in feeling of the populace soon takes place". After the lapse of yet another month, *i. e.* in the course of a quarter of a year, "the late riot at Tientsin" has, in the Hon. Mr. Low's despatch to the American Secretary of State, of September 26, 1870, advanced to the positive significance of "the late massacre at Tientsin". "I desire to say", he writes, however, "that, while I believe there is danger, I by no means consider the situation as perilous as the people generally do; at the same time they may be right and I wrong". And in a letter, addressed by the Representative of the United States to the Tsungli-Yamén, of September 13, 1870, we read:—

It is a fact, painfully apparent to all foreign residents, that, since the terrible tragedy at Tientsin, the attitude of the local officials and the people generally there, and at many other places, toward foreigners, has been in marked contrast to that kind and cordial relation which should exist. It is

unnecessary here to inquire whether the outbreak at Tientsin was a sudden uprising of the people to redress, by violence, fancied wrongs, and was altogether local in its origin, or whether it was a part of a more extended and wide-spread conspiracy, fomented by designing officials and persons of the higher classes of civilians, without cause, other than a purpose of gratifying a long-cherished hatred and desire for revenge against the people of the western nations; whether the wrath of the people was directed specially against the French as a nationality, and the Roman Catholics as a religious body, or whether all nationalities and religions would have suffered equally, had they resided within the territory where the mob assembled, and near the scene of its bloody deeds. Without discussing the *causes*, I desire, most respectfully, to offer to your imperial highness the result of my conclusions as to the *effects*, which the news of this lamentable affair at Tientsin has had upon the people in other places....

There is no evidence of any change for the better in the feelings of the inhabitants of Tientsin, nor are there any signs of regret for the terrible scenes enacted on the 21st June. On the contrary, the manufacture and sale of fans (until stopped by official action upon the complaint of a foreign consul) bearing engravings of the burning buildings and the murder of their inmates, show only too plainly that the people of that city desire by illustrations of their bloody deeds to be reminded of the eventful day when innocent and helpless women were, with others, ruthlessly sacrificed. The failure to punish any of the guilty actors, although nearly three months have since elapsed, tends in no small degree to confirm the people in the belief that the riot was a justifiable retribution, in which the government sympathizes; and leads to the belief that similar attacks upon foreigners will meet with official sanction and approval, rather than condemnation and punishment. In addition to all this, the knowledge that large bodies of troops are moving from the western provinces eastward into Shan-tung and Chihli affords a basis for the evil-disposed to circulate reports that the imperial government has designs hostile to the foreign residents. This adds to the excitement and fills with alarm the missionaries and others residing in the two provinces before named....

Candor compels me to say that there has been a lack of promptness, and, I believe, of earnestness, on the part of the officials deputed by the government to ascertain and bring to punishment the guilty persons at Tientsin.

Prior to the troubles, two persons at Tientsin, and a large number at Nankin, accused of kidnapping, were arrested, tried, and punished with the extreme penalty of the law; and in the case of the latter the extreme haste of the officials in the trials and punishment of the criminals provoked much discussion, and, I am informed, called forth protests against what seemed to be indecent haste. If the law sanctioned these hasty trials and summary executions in cases where kidnapping was the crime, I fail to see why the assassins of peaceful foreign residents, including foreign officials and

¹ The "North-China Daily News" for April 1, 1871. This despatch directly involves the Tsung-li Yamén in the kidnapping-agitation against foreign missionaries; for, the instructions of the Yamén to Ma suppose a pre-knowledge of that agitation, and, under the impression that M. de Rochechouart was about to institute secret

innocent and unoffending women, should have any greater lenity shown them; and in a place where the known participation in the riot is an honor and its leadership a notable distinction, it ought not to be difficult to ascertain who are the guilty ones deserving punishment. Hence the delay appears to be without cause, and leads many to doubt the good faith of the government. Unless a change in the status of affairs soon occurs, which will re-establish public confidence in the fidelity of the government to its treaty obligations, which will reassure the citizens and subjects of the treaty powers that their residence in China will be safe and their property protected, grave apprehensions may reasonably be entertained that the goodwill and cordial support of some of the most influential and powerful of the western nations will be lost to China.

The traditional policy of the United States in their intercourse with China is peace, which it is the earnest desire of the undersigned, as well as his Government, to maintain, and nothing will cause a departure from this policy, except the flagrant violation of the rights and privileges of their citizens by the people and the failure of the imperial government to apply the proper remedy promptly (205). In view of these considerations, I again most earnestly call your attention to the condition of affairs at Tungchow, to the end that you will cause such measures to be adopted as will assure citizens of the United States of their safety, and hasten the return of the missionaries to their homes and their post of duty.

In the foregoing I have, with entire frankness, endeavoured to place before your imperial highness a plain exposition of the situation in which all foreigners in the empire are placed, and the danger to which they are exposed, which will, unless speedily averted, lead to the most unhappy consequences.

Slowly the Hon. Mr. Low would seem to have awakened, as from a pleasant dream, to the hideous reality of the actual situation; without, however, as yet realizing it. The Governor-General Ma was quicker of comprehension. In a despatch addressed by him to the Tsung-li Yamên, shortly before his assassination, he remarks with pointed significance: "*The excitement in Tientsin began in that same month (May); but it is beyond my comprehension, how there should have been movements in several provinces north and south, so identical in time and purpose*".¹ To the despatch of the American Minister in Peking, just cited, the following is the Hon. Hamilton Fish's reply:—

Washington, November 29, 1870.

SIR: I acknowledge the receipt of your dispatch of the 29th of September last, No. 31, with three inclosures, exhibiting your correspondence with

inquiries into the matter, order the Governor-General to confidentially warn the local authorities, lest difficulties should arise, to *sift to the bottom* all kidnapping cases, which "in any way implicate the Catholic missionaries". Cases, "implicating" Protestant missionaries, are excluded from this order.

Prince Kung upon the removal of the missionaries from Tung-chow and the disturbed condition of affairs in China.

Although the general tenor of your note of the 13th September to Prince Kung is regarded as judicious and proper, your assurance toward the close, that a flagrant violation of the rights and privileges of our citizens by the people, and the failure of the imperial government to apply the proper remedy promptly, are the only circumstances which will cause a departure from the traditional policy of the United States in their intercourse with China, is considered to be too strong an assurance of forbearance; and it would be, perhaps, well that Prince Kung should understand that any violation of the rights of our citizens and any flagrant violation of treaty stipulations of other powers may cause a change.

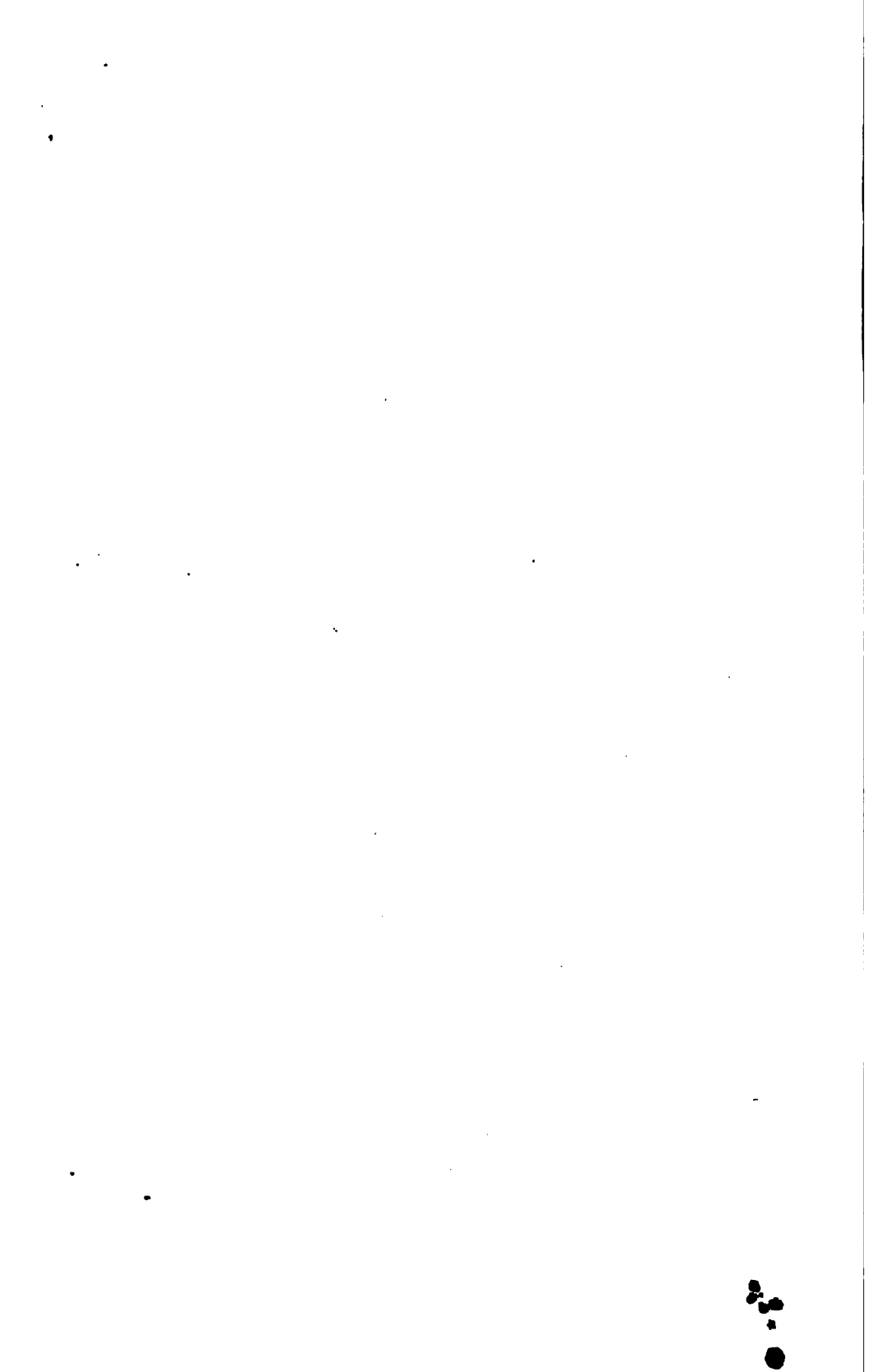
HAMILTON FISH.

260. Unless we erroneously interpret every sign of the times, an important crisis in the affairs of China, a great epoch in her history, is approaching. The differences, which have too long been allowed to subsist between England and the United States and tended to lessen the political influence of both countries, are in a fair course of settlement. The war between Prussia and France is apparently at an end. It leaves the latter State exhausted and shackled; in the place of "Prussia" a reconstructed "Empire of Germany," the first necessity of which is consolidation, and, as one of the surest and most desirable means for the attainment of that end, the acquisition of distant colonial possessions. The balance of European Power has been disturbed, and is not likely ever to return to its late conditions of equilibrium. Russia is surveying Mongolia and Manchuria. An American Naval Expedition is about to sail for Corea. Impelled by fatuity rather than instinct, the Tatar Government of China continues bent on massacre and its most desperate efforts to provoke, by preparing for the last defence of a rotten system of isolation and stagnating conservatism, the conquering and overwhelming inroad of Western Civilisation, Vitality, and Progress. ¹ The Gladstone Cabinet, more infatuated even than the Imperial Cabinet of Peking, and more blinded to the dangers and the duties of its position in China than was poor M. Fontanier, may be swept away, together with its "adopted policy of recognizing the Chinese Government as entitled to be dealt with in its relations with this

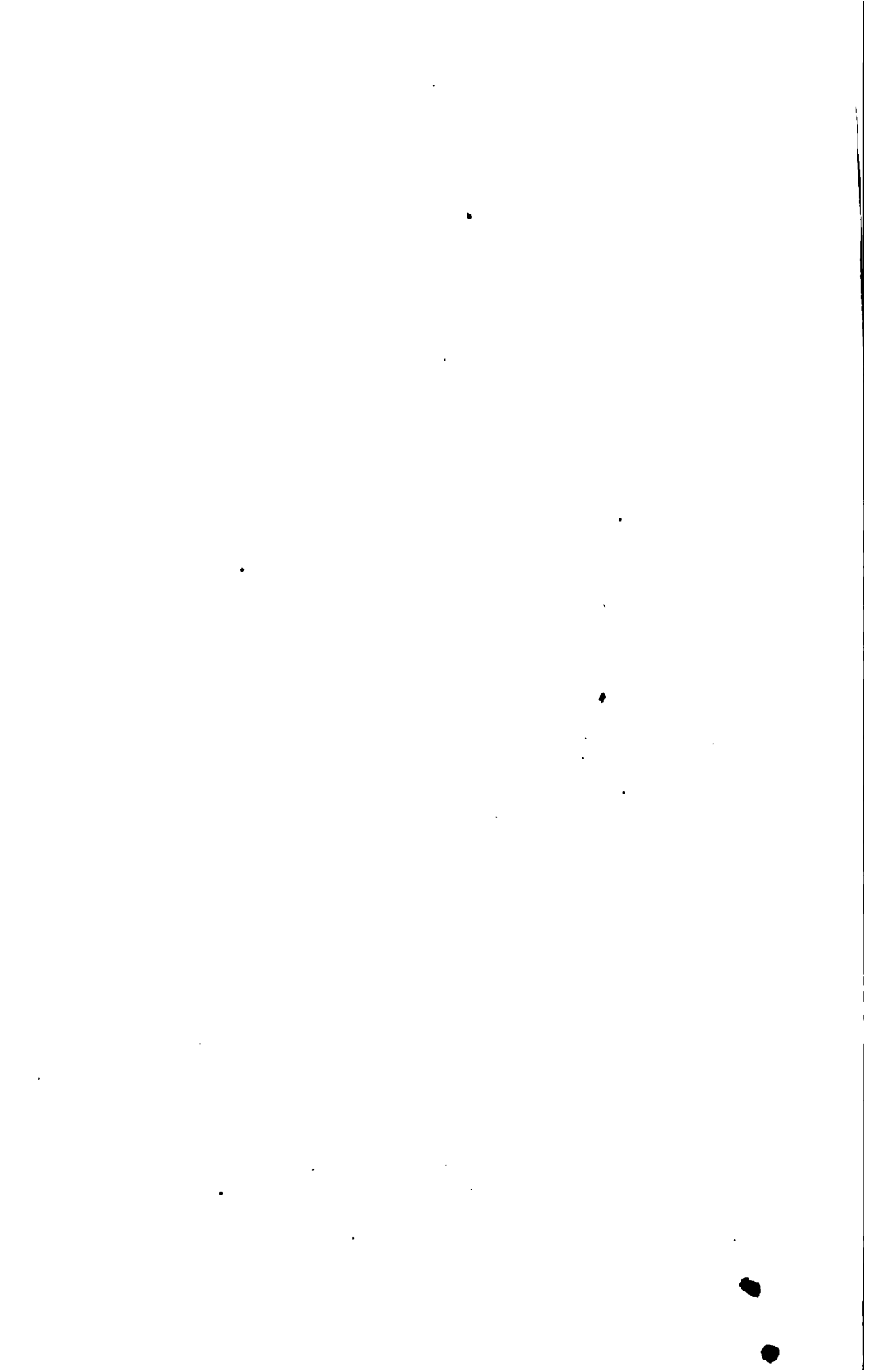
¹ Of a recent Circular Despatch, and Memorandum on the Missionary question, addressed by the Tsung-li Yamén to the Foreign Ministers in Peking, we are only at liberty to say, that it fully bears us out in our views; and that it has "rendered the situation serious".

country (England) in a conciliatory and forbearing spirit", by a torrent of events, which, unless arrested in time, promises to cast the Massacre of Tientsin into the shade, and by inducing which Her Majesty's present Government is now incurring a terrible responsibility. Meantime the rush of that coming torrent is heard, may-be yet distant, but loud and distinct. Ere long, England will be compelled, despite of herself, to take a part, commensurate with the extent of her commerce, *in the definite settlement of the future of China*; and every British subject, inhabiting this vast realm, will hail the day when, once more secure in the protection of his country and conscious of being worthy of that protection, he, once more, will be able to lift his head on high and say, not without some feeling of renewed national pride: CIVIS BRITANNICUS SUM.





APPENDIX.



I.

THE NEW UNIVERSITY OF CHINA.

1. All the world has been made to hear, or read, of the vast idea conceived by Robert Hart, Esq., Inspector-General of Chinese Maritime Customs, for the Regeneration of China by means of the introduction of Western Science and Learning, and of the realisation of that scheme in the shape of some grand and magnificent Institution, which is floating about in public imagination under the various denominations of the "T'ung-Wên-Kuan", the "College of Western Sciences, Arts, and Literature", the "Peking College", "the University of Peking" the "New University of China", and similar high-sounding titles. To vouch for the actual existence of such an Institution, there are not only innumerable reports, "communicated", in connection with the Burlingame Mission, to a crowd of newspapers, and not a few of the Learned Societies, of Europe and America ; but, there are, moreover, official and quasi-official documents, to place the matter beyond the ordinary reach of a doubt. We will submit to the reader one or two specimens of these "proofs".

2. In "the London and China Express", a Journal, which is subject to no imputation of any ultra-Chinese bias, an article appeared on November 26, 1867, superscribed "THE NEW CHINESE UNIVERSITY", and reading thus :—

Our readers, or at least a considerable number of them, will probably be surprised by the title which we have affixed to this article. Truth, however, is often stranger than fiction, and as if in illustration of the old adage, the Chinese Government has entered upon a course which the most sanguine believers in the destiny of nations could not have anticipated, and which must for ever close the mouths of those who love to assert the incapacity of the Chinese race for beneficial change and advance. Under the influence of the present Inspector-General of Customs many important improvements have from time to time been introduced into the administration of foreign affairs, the old barriers to progress have been gradually removed, and the minds of the members of the Regency have been accustomed to foreign modes of thought and foreign principles of action. The diplomatic representatives at the Court of Peking have sedulously fostered every tendency to advance as it was manifested, and well-meant aid, honestly tendered and faithfully supplied, has proved that our designs upon China are not such as were originally supposed, but that we desire to raise her to an equality with ourselves, and make her worthy of a more equal alliance

than she now enjoys. Up-hill work it doubtless was, and often must those most interested in the emancipation of the empire from the trammels of prejudice have despaired of ever reaching the wished-for object. Some hope was excited when a solitary native here and there repaired to Europe or America to study Western law, and bring his experience to bear upon his countrymen.¹ But anticipations based upon these unfrequent occurrences were doomed to disappointment. Young men educated in European colleges were simply denationalised, and, without becoming good Europeans, were transformed into bad Chinese. Their ignorance of the literature of their own country exposed them to contempt, while their affectation of superiority laid them open to suspicion. Incapable of competing for the degrees, through which only is admission to be gained to the offices of the State, they were excluded from every position wherein their newly-acquired information could be put to practical use.² So far, then, it was evident that to encourage the education of Chinese in Western schools was but to cast another stumbling block in the road along which we were endeavouring to urge the nation. To Mr. Hart it at once suggested itself:—Why not educate Chinese in China, combine native with foreign learning, and endeavour to turn out men versed in modern science, but also fitted by literary attainments to fill magisterial offices, to become provincial governors, and perhaps eventually presidents of boards? The conception was admirable, but the difficulties to be surmounted before it could be carried into effect seemed positively hopeless. Gradually but surely they were smoothed away, and now the *Imperial University stands an accomplished fact. The doors of the Peking College are already open and the courses of instruction have actually commenced.* It is well worth remarking that at the first matriculation examination, held on the 21st June, before any judgment other than one *a priori* could have been formed regarding the merits of the scheme, thirty candidates were admitted, some of whom were *Chin shi*, some *Chii jen*, and some *Hsin tsi*. That literary graduates of the third, second, and first grades should voluntarily submit to instruction at the hands of European professors proves conclusively not only that the old established prejudices are fast disappearing, but that a conviction has obtained ground that the road to public distinction lies through the college. *The scheme bears the most minute examination.* In it a just place is given to native learning, the studies are prosecuted under the superintendence of a Minister of State, to whose history we shall presently refer, and the centre of instruction is at Peking, removed from all exclusively foreign influences, and subject to the direct supervision of those most interested in maintaining the integrity of the institutions of the empire. The Provost is SEU KE-YU, who was formerly governor of Fuhkien, and who was degraded some twenty years ago for compiling a little work on geography. He is now an octogenarian, but the interest he once took in Western affairs has grown with his years, while his influence is very great among the Liberal party.

As to the curriculum of study, about which our academic readers will naturally be curious, we have little to say. Indeed, it speaks for itself, and recommends itself by its comprehensiveness and especially by its subordination to practical uses. The students will learn English or French, and in both these languages lectures will be delivered upon the several branches taken up. The classes will therefore be double—on one side English or American professors directing the studies, upon the other Frenchmen or Germans. After a thorough acquaintance with either English or French shall have been acquired, the

¹ No such case of a Chinaman having repaired to Europe or America to study Western law and to bring his experience to bear upon his countrymen, has ever happened.

² The whole of this statement is virtually devoid of all and every foundation.

students will come under the charge of the Professors of the Experimental, Mathematical, and Political Sciences. Having passed through an extensive course in each of these subjects the general education of the students will be considered as completed, and special subjects will then be introduced. These latter will include Civil Engineering, Surgery, Astronomy, International Law, and others, according to the taste of each student. *It is difficult to conceive a scheme more elaborately finished in its details, more general in its scope. The whole civilised world has a stake in its success, and we are, in truth, much mistaken if every support be not given to it by the Governments of European States.* Diplomatic difficulties, as the expression is understood in China, will disappear as the parties to a negotiation learn to refer their principles to a common standard of right and justice, compulsion will cease, for it will no longer be necessary, and although misunderstanding must from time to time inevitably arise, and war may again cloud the scene of Eastern relations, this at least is certain, that these calamities are rendered less likely to occur as the *morale* of the Chinese nation is raised nearer and nearer to a level with our own. It is hardly presumptuous to risk a glance into the future, and contemplate the condition of China twenty years hence, when the College at Peking shall have given to the public service some hundreds of perfectly educated men with their native sympathies unimpaired but infinitely refined. In the provinces we shall then find nuclei of civilisation—in every large city a preparatory school—in every district a body of enquiring men. Moral training does not always march hand-in-hand with intellectual culture, but we may hope much from the all-pervading influence of intelligent public opinion. We find it hard to avoid conjuring up what to some may appear too flattering and highly-coloured a picture, yet if the scheme be carried out to the extent evidently designed by its projector *there is no necessary limit to the good it may accomplish.* Of course difficulties will be encountered; but difficulties are made to be overcome. We cannot reasonably expect that a change so radical, albeit so salutary—a revolution so much more thorough than any mere political convulsion could bring about—is to be effected by mere contriving and talking. There must be clever heads, honest hearts, and ready hands to meet—nay, more, to anticipate—obstacles, and make of them stepping stones to further and higher aims. *The sketch that we have given above implies the highest eulogium that we can pass upon the exertions of MR. HART.*⁴

We merely remark upon this article, that the partly reorganized Elementary "School of Languages and Literature", the only "College" in Peking, to which the preceding article can possibly be assumed to refer, and of which we shall presently speak, was not "opened" until the 1st of December, 1870.

3. An official despatch from the Hon. Mr. Burlingame, then Minister for the United States in China, to his Government, dated Peking, April 10, 1867, reads as follows:—

I am happy to bring to your attention certain Chinese memorials, relating to the establishment of an institution at Peking by the government for giving instruction in the arts and sciences of the west. As long ago as 1862, the Chi-

The only instance of a Chinese gentleman "educated in a European College", is that of a highly respected medical practitioner at Canton.

³ The first idea, as will be presently seen, originated with the Hon. Mr. Burlingame.

⁴ The passages, italicized by us, are not so in the original article.

nese government established the "Tung-Wan-Kwan", a language school, and invited English, French, and Russian teachers to give instructions in their departments. The pupils, selected from the Manchu bannermen, lads not far from fourteen years old, have made respectable progress during the past five years. From those instructed in English by Dr. W. A. P. Martin (American) were selected two to accompany Pin Chun to Europe for the purpose of making enquiries respecting western improvements.¹

While this school is to be continued, the Chinese have wisely determined to establish a higher department or college, and to call upon the great scholars of the empire, over twenty years of age, to come forward and compete in a new field for the highest honors of the government.² To this Mr. Hart, inspector general of customs, with whom these progressive views originated,³ was instructed to procure eminent scholars as instructors. He has done this, and the Chinese have now a body of distinguished savans in their service. Dr. W. A. P. Martin, the translator of "Wheaton's International Law", is the senior professor, and by courtesy—the head of the college.⁴

The institution is under the general direction of "Sen-Ki-Yu" as president.⁵ "Sen" you will recall as a distinguished member of the foreign office, who received his promotion for his geographical labours, for which he had previously been degraded. Could there be a greater evidence of progress than is disclosed by these papers? I marvel as I read them, and call your attention to them with infinite pleasure.

When I came to China, in 1861, the force policy was the rule. It was said "the Chinese are conceited barbarians, and must be forced into our civilisation"; or, in the energetic language of the time, it was said "you must take them by the throat". Fortunately, the representatives of the treaty powers did not listen to this view. Conspicuous among these was Sir Frederick Bruce, the British minister, who with his colleagues said that, if force was ever necessary, the day for it was over; that we were in relations for the first time with the chiefs of the government, and that it was necessary to proffer fair diplomatic action as a substitute for the old views, and to so bear ourselves as to secure the confidence of this people. Accordingly the policy was adopted of which you have been advised so often, and which you have approved so fully. Under this policy great development has occurred, missions have extended, trade has increased three-fold, scientific men have been employed,⁶ 'Wheaton's International Law' translated and adopted,⁷ military instruction accepted, nearly one hundred able men received into the service, steam-boats multiplied, the way slowly opened for future telegraphs and railroads, and now we have *this great movement for education*. Against this movement there has been continued opposition

¹ Compare Mr. Hart's "Note on Chinese Matters" (1).

² We need hardly remark, that this statement is utterly without foundation.

³ See note 3. The Hon. Mr. Burlingame also gives to Mr. Hart the credit of having originated "the College",—with a prospective view to his salary of £8,000 a year as "Ambassador of Chinese empire", already at that time under consideration.

⁴ Dr. Martin was, at the time, the teacher of English in what the Hon. Mr. Burlingame himself calls the "language-school". There existed as yet no "college", not even in name; and no European Professor and savant, respecting his position and himself, would have consented to recognize Dr. Martin as "the head of the College". Hence, too, Dr. Martin's connection with the future "University" was kept a strict secret from the professors, engaged by Mr. Hart for the latter institution; and the Hon. Mr. Burlingame's despatch furnishes but another proof of his own, as well as Mr. Hart's and Dr. Martin's duplicity and deceitfulness in this matter, from the first.

⁵ The member of the Tsung-li Yamén meant, is S'ü. His title was not that of

among the Chinese, and it has been frequently endangered by the inconsiderate action of foreigners impatient of delay; but there has been no successful reaction, and the intention of those in authority is to go cautiously and steadily forward.

The memorials, to which the attention of the American Government is called, relate to the proposed establishment of a "School of (Astronomy and) Mathematics", in addition to the existing "School of Languages and Literature". We shall transcribe them presently.

4. Dr. Martin, with the assistance of native teachers, published in the Chinese language a compilation treating of various subjects of Natural Philosophy, none of which he understood himself, and prefaced, as is the Chinese custom, in this instance by two members of the Tsung-li Yamén, who understood still less of them, but who, whether by way of satire or compliment it would be difficult to say, style the American missionary in those prefaces 冠西丁教師, "the pinnacle [or (night-) cap] of the West, Teacher Martin"; nay, 冠西丁君, "the pinnacle [or (night-) cap] of the West, Lord Martin".⁶ the term 君, "Lord", being the same identical term, used to designate the Royal title of Her Majesty Queen Victoria in the Hon. Mr. Burlingame's Letter of Credence. The Chinese title-page states, that the book was printed for "the Peking School of Languages and Literature", 京都同文館存板. A number of copies, however, destined for America, England, and other foreign countries, have, in addition, an English title-page, dedication, and preface. The latter were, in China, kept carefully out of sight, and we had great trouble in procuring a copy. The English title-page reads thus:—"Elements of NATURAL PHILOSOPHY and CHEMISTRY. By W. A. P. MARTIN, D.D., Professor of Hermeneutics, Political

"President", but simply that of "Superintendent of the Affairs of the School of Languages and Literature".

⁶ The Hon. Mr. Burlingame is alluding to the one solitary case of the employment of Mr. Pumpelly for a superficial survey of the coal-fields near Peking,—a regular "job", obtained by the American Minister, with the assistance of Sir Frederick Bruce, from the Tsung-li Yamén, for his countrymen and protégé then on his way homeward via Siberia (126).

⁷ Dr. Martin's "Public Rules of the Ten-thousand States (of the Ching Empire)" is not a translation, but a very indifferent epitome of 'Wheaton's International Law', and neither it nor its principles have been adopted by the Chinese Government.

⁸ The literal translation of the peculiar construction of the Chinese text is: "the pinnacling [or (night-) capping] western Martin, Lord"; or "his Lordship Martin, who pinnacles or (night-) caps [covers, as with a (night-) cap, the summit (of learning) of] the West".

Economy and International Law, in the University of Peking. *Printed for the University.* PEKING, 1868". The Dedication reads:—

"TO

ROBERT HART, Esq.,

INSPECTOR GENERAL OF THE IMPERIAL MARITIME CUSTOMS,

WHO, IN THE MIDST OF UNWEARIED EXERTIONS TO

PROMOTE THE COMMERCIAL PROSPERITY OF THE CHINESE EMPIRE,¹ FINDS

LEISURE TO FORM FAR-REACHING PLANS FOR ITS EDUCATIONAL IMPROVEMENT,

THIS, THE FIRST WORK PUBLISHED

UNDER THE AUSPICES OF THE NEW UNIVERSITY, IS RESPECTFULLY DEDICATED;

IN RECOGNITION OF HIS INFLUENCE IN THE ORGANIZATION

OF AN INSTITUTION, SO FULL OF HOPE FOR THE FUTURE OF CHINA".²

The dedication, we have reason to believe, was communicated to Mr. Hart before it was accepted. In the "AUTHOR'S PREFACE", he states:—

This work was undertaken about three years ago, from a conviction, that while something of the kind was required for the use of advanced pupils in Mission Schools,³ it might also have a good effect in awakening the minds of educated men.

Acute and active, the intellect of the Chinese has for centuries been exercised in a barren field. *Belles lettres*, as the appointed avenue to official promotion, has engrossed their energies to the exclusion of physical science,⁴ and the result is obvious—an utter deficiency in those elements of power, which constitute what we term, the material civilisation of the West—a total inability to develop [sic] the resources of their own magnificent patrimony.

It is impossible not to perceive how easily this state of things might be altered by an enlightened policy on the part of the government; for should it place before the youth of the empire the same motives for the cultivation of modern science which they now have for the study of ancient literature, the influence on the whole country would be like the work of magic. Millions of patient scholars would be seen striving as earnestly to extend the boundaries of true knowledge, as they do now⁵ to tread in the narrow circle beaten by the footsteps of their forefathers.

The present administration, liberal and enlightened beyond most of its predecessors, has indeed already taken an important step in this direction.⁶

¹ We are not aware, that Mr. Hart has done anything whatsoever for the promotion of the commercial prosperity of the Chinese Empire. On the contrary, his misapplication of the tonnage-dues *f. i.*, and, more especially, the part taken by him in the late abortive attempt to revise the Treaty of Tientsin, have been marked by the opposite tendency.

² It will be seen hereafter that, at the very time when Dr. Martin wrote this, even the "language-school", as re-organised by Mr. Hart in December, 1867, had proved a failure, and the prospective "college" was fast collapsing.

³ To our knowledge, such a phenomenon, as "an advanced native pupil in Mission Schools", fit for, and requiring, instruction in Natural Philosophy and Chemistry, has never been witnessed in China. It will be observed, however, that "the New Chinese University" is here placed, unguardedly, on the level of "a Mission School".

⁴ This is incorrect. Astronomy and Mathematics, have ever occupied a prominent

Convinced of the necessity for introducing scientific culture and avowedly emulating the example of K'ang-he,⁷ who distinguished himself as a patron of European science, the young Emperor has issued a liberal charter for the establishment of a University,⁸ and invited the most advanced scholars in the empire to compete for the privilege of membership. Some of them it is hoped, instructed in languages as well as science, will be able to enrich the literature of their own country by drawing from the fountains of the West.....

Of the work itself we have no occasion to speak, beyond remarking that it has been found unintelligible by the Chinese, and that books, intended for "advanced pupils in Mission Schools" are not usually printed for a University. Dr. Martin, however, like Mr. Hart, manifestly anticipated that, by means of "the New University of Peking", the Regeneration of China was to be effected "like the work of magic".

5. After what has thus been stated, few of our readers will be prepared to learn that no University, no institution resembling a University, no College of Western Science, Art, and Learning, does exist, or has existed, either in Peking or elsewhere in China, nay, that no institution of the kind has ever been projected or contemplated by the Chinese Government. Yet, such is the plain truth of a plain fact. But,—those numberless articles, descriptive of the New University of China, its professorial staff of eminent American and European *savants*, its crowded lecture-rooms, its blue-and-red-buttoned scholar-students burning to compete for the privilege of admittance, its all-comprehensive organisation; those songs in praise of its far-sighted creator, Mr. Hart, and the enlightenment and progressive spirit of a Government supporting such a creation, with which the Western press has been made to ring so long and so loud? They emanated from gentlemen more or less connected with the Bnrlingame Mission, and were intended only to throw dust into the eyes of America and Europe. And the Printing-Press of its own, in which we are given to understand "the New University" ordered Dr. Martin's "Elements of Natural Philosophy and Chemistry",—

place in the studies and the literature of the Chinese. Nor can their Sacred Scriptures, any more than those of the Jew and the Christian, with propriety be included in the term: "*Belles Lettres*".

5 Millions of patient scholars! The number of literates of every degree in China is estimated at about half-a-million; and we should hesitate to affirm, that it includes a hundred "patient scholars".

6 Dr. Martin misrepresents the Tsung-li Yamén as the Chinese Government.

7 There is no "emulation" in question. The Tsung-li Yamén adduces "the boundless toleration" of the Emperor Shêng Tsu-Jên (K'ang-s'í=A.D. 1662—1722), in employing the Jesuits, as an *apology* for the proposed appointment of western men as teachers in the contemplated "School of Astronomy and Mathematics".

8 This is positively untrue. No charter for the foundation of a University in Peking has been issued by the Emperor.

originally designed for "advanced pupils in Mission Schools",—to be printed at Peking? There existed neither a Press, nor a fund for printing purposes. The Chinese text of the book in question was, as usual, cut on wooden blocks by one of the ordinary wood-engravers of Peking, at the expense of the Chinese Maritime Customs Revenue; and the English title, dedication, and preface were printed in the Chinese Maritime Customs press at Tientsin, by order of the Inspector-General, Mr. Hart. And the liberal Charter, which the young Emperor is said to have issued to incorporate the new foundation, and to insure its legal, privileged, and financial existence? Such a Charter has been issued only in the apocryphal preface to the book we have just been referring to. Possibly, the author may, in qualifying the Charter of his imagination as "liberal", have alluded to the monthly allowance of pocket money, by which some needy students were at first induced to attend the re-organised "school of languages", and of which we shall speak presently. And the tripod-Chair of "Hermeneutics, Political Economy, and International Law in the University of Peking", held by W. A. P. Martin, D. D.? It was by the American missionary and teacher of English in the "language-school" of the Tsung-li Yamên, with the sole sanction of the Inspector-General of Chinese Marine Customs, bestowed on himself. If anything could have opened the eyes of Western Credulity to the swindling character of the so-called "University", that extraordinary "unification" of professorial attributes in one and the same person should have done so. Dr. Martin knows absolutely nothing of Law, and of International Law no more than what little he may have gathered from indifferently epitomizing 'Wheaton'; of Political Economy he is completely ignorant; whilst, in combination with his title of D. D. (bestowed by some American College), that of "Professor of Hermeneutics" can be interpreted only of Biblical Exegesis, and convey to the American and English public the *false* impression, as though the Mauchu Government had actually carried its liberality to the extent of founding a Chair for the highest teaching of Christianity in the national "University of China".

6. The *T'ung-Wên-Kuan* or "School of Languages and Literature", attached to the Tsung-li Yamên, to which allusion has been made, had its origin in ART. I of the Treaty of Tientsin, which reads thus :—

All official communications, addressed by the diplomatic and consular agents of her Majesty the Queen to the Chinese authorities, shall, henceforth, be written in English. They will for the present be accompanied by a Chinese version, but it is understood that, in the event of there being any difference of meaning between the English and Chinese text, the English Government will

hold the sense as expressed in the English text to be the correct sense. This provision is to apply to the treaty now negotiated, the Chinese text of which has been carefully corrected by the English original.

Similar articles having been introduced into the Treaties of other Western Powers, the Tsung-li Yamên, in the month of June, 1862, memorialized the Throne, and was granted permission, to establish three schools of languages for instructing some Chinese youths in Russian, French, and English, respectively. Consequently three poor school-rooms were set apart for the purpose in the buildings of the Yamên, and, from twenty to thirty lads, Manchu bannermen, having been selected, and school-masters, 教師, appointed, the instruction commenced. For a teacher of Russian, the Russian Minister lent the services of the Interpreter of the Legation; English and French was taught by protestant and roman-catholic missionaries, respectively, on the explicit condition that every topic of religion was to be strictly excluded. These three separate schools, 館, were collectively styled the "School of Languages and Literature", 同文館. It is not a College, 學宮, as Dr. Williams, and appropriately so, proposed to call "a College", when contemplated by the United States Minister; but simply a primary school, as distinguished from an educational institution of a higher order. In 1867 we visited the English class, then under Dr. Martin as foreign teacher, and a Chinaman as superintendent. The latter was at the time cooking his dinner as usual, and was likewise in the habit, we were informed, of having his head shaved, in the "lecture-room". There were seven or eight pupils present. Of these, two only, *who had been to England with Pin*,—Tô-Ming and Fêng-I, both married men—, were able to make themselves understood in English, though not without much difficulty, on ordinary topics of conversation. The reading of the class was tolerable; composition extremely low; grammar in its very first stages. Altogether, after five years of "study", the pupils had made but little progress, and the instruction given continued to be of the most rudimentary character,—decidedly inferior to that of a good English village-school.

7. In 1863, the United States Government, having in hand a surplus fund of about \$200,000, due to the Chinese Government for indemnities overpaid, the Hon. Mr. Burlingame, then American Minister in Peking, suggested to his Government the application of that fund, as though it had been its own, to the foundation of a College in the Northern Capital. His plan is fully stated in an official despatch, dated Peking, November 18,

1863, to the Secretary of State, the Hon. William H. Seward, and from which we extract what follows :—¹

In my despatch No. 16, I indicated the purposes, to which I thought the surplus fund in China should be applied. In your reply you stated that my views would be submitted to congress. I now beg leave to submit a few remarks of a practical nature in aid of the suggestions then made; and if the money is expended in the direction which I have recommended, it will result in an institution of learning for the benefit of the United States and China. This institution I would name "the American College" or Ta-Mei Kwoh Hioh-Kung [大美國學宮]. It should be placed at Peking, partly for sanitary reasons, but chiefly because this city is the political and literary centre of the empire, and where the court dialect is easily acquired. Thousands of students visit it every year to compete for the prizes of the empire, and *anything so unique as an American college, with the happy circumstances under which this would be founded, could not fail to attract general attention.*(!)

Its objects should be two-fold: 1st, to teach Americans the language and literature of China, so as to fit them to be interpreters and consuls [at the expense of the Chinese Government]; and 2nd, to educate clever Chinese in English studies and in their own literature, with a view to their employment by either their own rulers or by the United States...I would respectfully recommend that the President be authorized to appoint, after a severe competitive examination, ten young men above the age of 18 years, who are to be sent to the American college at Peking, as student interpreters, at a rate of pay not exceeding \$1,000 per annum. This salary can be increased as they are advanced to be interpreters and consuls...

To render the institution still more useful, I recommend that a limited number of natives be received as students, who shall be taught and boarded out of its funds, none for a longer term than six years. I think there will be no difficulty in selecting promising young men who have already made progress in their own language, as many as may be desired. I hope, from my present relations with the Chinese officials to be encouraged by them as they learn our design; even now they permit missionaries to instruct youths in their employ,—[aye, but not in matters of religion],—and are likely to regard a well-endowed institution with favor. Nor will they be altogether indifferent to the spirit of equity (!), which gives this direction to a sum of money *that originally came from them* [i.e. which is their own].

For the organisation of the college, I respectfully suggest that \$200,000 be set apart as the permanent fund, and this amount never to be encroached upon, but the whole placed at the highest rate of interest compatible with its safety, the interest alone to be used for the preliminary and current expenses, such as purchase and repair of buildings, salaries, tuition, &c. The college to be under the direction of a board of ten trustees, all resident in China, to consist of the United States minister and secretary of legation, the United States consuls at Shanghai and at Tientsin, *ex officio*, three leading merchants and three missionaries; the merchants to have the chief management of the funds. To aid you in the immediate selection of the latter, I would suggest that the merchants be the heads of the houses of Russell & Co., A. Heard & Co., and Olyphant & Co.; and the missionaries be the Rt. Rev. W. J. Boone, D.D., of Shanghai, Rev. Henry Blodget, of Tientsin, and W. A. P. Martin, D.D., of Peking. The faculty may consist of the principal and his assistants, the former chosen by the trustees, with power to select his assistants, subject to their approval.

¹ Papers relating to Foreign Affairs, Washington, Government Printing Office. 1865, Part iii, 8vo., pp. 346—8.

The college is to have no sectarian character, but religious services should be required, such as the reading of the Sacred Scriptures daily, the observance of the Sabbath, &c. The trustees residing at Peking should act as a board of visitors. An annual report of the progress and condition of the college should be made to the government through the Secretary of State.

I have now suggested the name and place for this institution, stated its objects, and sketched a brief plan for its organization. *Permit me, lastly, as warmly as I may, to urge speedy action upon it.* The plan is not extravagant; indeed, it may seem too narrow for so large a fund; but I wish to secure the safety of the money and propose moderate results at first. You know what noble endowments have been wasted in extravagant buildings and large salaries, and these ought to be avoided in China—[excepting, of course, salaries to American “envoys of Chinese empire” and their right and left-handed secretaries, for whose services £8,000 and £2,000 per annum, respectively, the Hon. Mr. Burlingame would seem to have considered a very moderate remuneration]—*I invoke your personal interest in this subject; it will be a congenial one, worthy of you, and if our hopes shall be realized and an American college established at Peking, it will reflect lasting honor upon our beloved country”...*

We could but detract from the merits of this “unique” plan to educate, at the expense of the Chinese Government, Interpreters and Consuls for the public service of the United States, were we to add to it one single word of comment.

8. The members of the Tsung-li Yamên, however, would not seem to have been so alive to the equity of devoting a considerable sum of Chinese money to the object of reflecting lasting honor upon the Hon. Mr. Burlingame's beloved country,—though attended, moreover, with the observance of the Sabbath and other happy circumstances,—as was anticipated by the then American Minister. After some conversations with Mr. Hart on the subject, they appear finally to have made up their minds to add a school for instruction in mathematics to the “T'ung-Wên-Kuan”. Their aim herein was a *purely military one*, pursued with a view to the expulsion of foreigners from the interior of China, and finally from Chinese soil altogether. They had learned from the native superintendents of the provincial arsenals under foreign direction, or from their confidential adviser, that of all the practical sciences of the West relative to the art of war, ship-building and engineering, mathematics constitute the theoretical basis. Hence, they wished a number of future Chinese Moltke, Cole, and Todleben to become “well grounded in mathematics”; and hence, when in 1866 Mr. Hart, attended by Pin, Tō-Ming, and Fêng-I, proceeded to Europe, they—certain members of the Tsung-li Yamên—, *possessing no authority themselves*, would appear to have verbally authorized Mr. Hart to engage a European professor or professors for the projected school of mathematics, or astronomy and mathematics: for, that, in the Chinese mind, astronomy is inseparable from mathematics, we need scarcely remark. Mr. Hart, however, with the Burlingamian

"Great Mei-State College"-scheme before him, and impelled by his heedless ambition and levity, "proposed to himself to carry out a plan of *his own*, as being the one most *likely* to give the fullest effect to the Yamen's *wishes*",¹ and, on the strength of this wishfullest-utopian plan of his own, engaged "a staff of professors" for what he described to be a "College or University of Western Science and Learning", or of "Western Arts and Sciences", and with the foundation of which in Peking, as—in one case at least—he stated through his Private Secretary, Mr. James Duncan Campbell, acting on his behalf, he had been entrusted by both the Chinese and the English Governments.² He thus created "a Chair of Mathematics and Astronomy"; "a Chair of Military Sciences"; "a Chair of Chemistry and Natural History"; "a Chair of English Language and Literature"; "a Chair of French Language and Literature"; and subsequently "a Chair of Hermeneutics, Political Economy, and International Law" in "the New Chinese University"; the Chair of Mathematics and Astronomy having meanwhile been separated into two, namely, "a Chair of Astronomy", combined with

¹ In Mr. Hart's Letter to the Professor of Astronomy, Peking, October 20, 1859.

² This is proved by a letter from the subsequently (August 15, 1866) appointed Professor of Astronomy to Mr. Hart, dated London, August 3, 1866, and from which we quote the following passages:—"I have just learned from my friend James D. Campbell, Esq., that you have been entrusted by the Chinese and the English Governments with the foundation of a College at Peking, and are about to appoint to it Professors in various branches of Science and Learning...My chief studies have been devoted to...Astronomy and Mathematics. A list of my published works, and one or two of the latter themselves, I venture to submit to your notice. Should you do me the favor to grant me a personal interview, which I respectfully solicit, it will give me pleasure to afford you any further information you may desire". It was at the instance of Mr. Hart's Secretary, Mr. Campbell, that the Professor of Astronomy, utterly misled by Mr. Campbell, was induced to offer his services to the former gentleman, a perfect stranger to him, and of whom he had never heard before; and to a great extent on the strength of the supposed connection of the Home Government with the projected Institution, in combination with the promise of a new Observatory, etc., that the Professor of Astronomy finally applied for and accepted his Chair,—a Chair which, on being virtually offered to him by Mr. Hart's Secretary, he had, after taking a day to consider, in the first place positively declined. Mr. Campbell acted throughout in the matter, not as the friend of the Professor, who had never asked for his mediation on any occasion or in any way whatsoever, but as Mr. Hart's Secretary, who invited him to become a Candidate for the Chair.

³ Mr. Hart's usual and normal signature is: "Inspector-General of Chinese Maritime Customs". One of the letters in question, nominating the Professor of Astronomy, was dated "Lisburn (Ireland), August 15, 1866", combined with which, the altogether exceptional signature "Inspector-General of Customs" would lead to the inference, that the Customs of Ireland or Great Britain had been meant. Every step in the conduct of Mr. Hart and his Secretary, Mr. James Duncan Campbell,—who also had been previously at Peking,—in connection with the University scheme, betrays, from the very first, a degree of calculated duplicity, deceitfulness, and caution, which

the Direction of a newly to be erected National Observatory ; and "a Chair of Mathematics and Natural Philosophy". The letters of appointment were made out in Mr. Hart's own name, and, although he professed to act as the Agent of the Chinese Government, signed as "Inspector-General of Customs".³ He further introduced into those letters, instead of "the New College or University of Western Science and Learning", the words "T'ung-Wên-Kuan", altogether concealing from the Professors, nominated by him to their respective "Chairs", that the "T'ung-Wên-Kuan" was *not* the projected University, but an *existing* primary School of Languages, possessing no professorial Chairs ; and thus leaving the Professors, appointed, to conclude and believe that "*T'ung-Wên-Kuan*" was the Chinese name of the projected University.⁴ A year, Mr. Hart stated, might elapse before the latter institution would be in full operation ; but of so urgent a nature he represented his scheme to be that, although the Professor of Mathematics and Astronomy was nominated only on August 15, 1866, his departure for Peking by the following September mail *via* Marseilles was insisted on.⁵

goes to prove that, *from the very first*, their united object was to secure themselves, if possible, from any legal consequences of their misrepresentations.

The letter of appointment reads literally thus :—

Lisburn, 15 August, 1866.

SIR,—I have the honor to inform you, that you have been selected for appointment to the Chair of Mathematics and Astronomy in the *T'ung-Wên-Kuan* at Peking.

Your salary will commence at the rate of Eighteen Hundred Haekwan Taels a year [£600 stg.] from the date of your departure from Europe.

I enclose a cheque on the Oriental Bank Corporation for the sum of Three Hundred and Fifty Pounds,—Two Hundred Pounds being allowance for passage out, etc., and the remainder being a quarter's salary in advance.

On arrival at Peking you will report to me.

I have the honor to be, Sir, your most obedient servant,

(Signed) ROBERT HART,
Inspector-General of Customs.

In the case of the Professor of Astronomy, this salary was to be *purely nominal*. His position would entitle him in China to at least £2,000 a year, being the salary of an ordinary Commissioner of Customs. A remuneration, certainly not inferior, he claimed from the commencement ; and, on the part of Mr. Hart, was assured by his Secretary that, the Presidency of the College, the Vice-Presidency of the Board of Astronomy,—formerly held by some of the Jesuits,—being intended for him, independently of the Direction of the new Observatory, he might rely on his salary being arranged to his entire satisfaction on their arrival in Peking. Mr. Hart left for Ireland before the Professor could see him personally on the subject.

⁴ In his conversations with the Professors, the word "T'ung-Wên-Kuan" had never been used by Mr. Hart. The letter of appointment for the Professor of Astronomy, then in London, was sent to him from Lisburn, Ireland. He had no ground at the time to doubt Mr. Hart's honor and good faith.

⁵ A letter of Mr. Hart's to the Professor of Astronomy, dated Lisburn, August 15, 1866, had this : "P.S. You ought to take your passage to Shang-Hae *without*

9. At the close of November, 1866, the Inspector-General of Chinese Maritime Customs, accompanied by his plan for the Regeneration of China and four of the Professors, who were to perform the "work of magic", returned to the Northern Capital. The cold was severe; and the conduct, peculiar to, and characteristic of, an English gentleman, which Mr. Hart had successfully enough enacted towards the Professors of "the New Chinese University" in Europe, gradually relaxing in his efforts to maintain it as the "T'ung-Wên-Kuan" of Peking was being approached, he had dropt altogether, at Shanghai, together with his summer-attire. Pending the completion of the College-buildings and the purchase of residences for the Professors, Mr. Hart, the "Agent of the Chinese Government", stated in *London* to the Professor of Astronomy, had ordered a set of furnished apartments to be placed in readiness for him at "*the Foreign Office*". Such apartments had, indeed, been prepared, at "*the Tsung-li Yamên*", but, being furnished and arranged in the semi-barbarous fashion of *Peking*,¹ the Inspector-General of Customs decided, that they were uninhabitable for Europeans. Meanwhile, the "distinguished savans" of the Hon. Mr. Burlingame's despatch (3), on their arrival in the Capital of "the Son of Heaven", instead of being welcomed to the luxuries of Downing Street, after having been safely uncartered,² half-frozen to death, half-suffocated with dust, bruised all over, were huddled in between the four *bare walls* of miserable "students-quarters", forming a separate Court, attached to the Customs-Yamên in Crooked-Railing-Lane, and there and then, in a strange city and without knowing a word of the language of the people, left by "the Agent of the Chinese Government" to their own resources.

10. It was only *after the return of Mr. Hart to, and the arrival of the Professors at, Peking*, that the Tsung-li Yamên memorialized the Throne for

delay". And in a second letter, of the 20th August, stating that he "had taken his own passage to Shanghai by the French Mail that is to leave Marseilles on the 19th September", again requested the Professor "to take his passage by the same mail".

¹ It would be difficult for a European, who has not resided in Peking and the North of China, to form an idea of the hardy simplicity and the extreme squalor of the mode of living of the Northern Chinese. The great cold of winter in Peking is chiefly provided against by furs or an increase of wadded clothes, rarely changed, and thick felt boots. The floors of the houses are of stone; the window-panes of Corean paper. There are no chimneys. Water-closets, even in their most primitive form, are unknown. They are replaced by a small *open court*, with a narrow entrance. We are speaking of the native *mansions* of the Northern Capital.

² A Chinese cart is a strong wooden cage, covered with blue cotton cloth, of sufficient size to contain one person in a sitting posture, and placed right upon the heavy axle-tree, connecting a heavier pair of wheels, jolted by one or two mules over

permission to add to the existing three schools of languages, constituting the "T'ung-Wên-Kuan", another school, namely "a School of Astronomy and Mathematics". This was by no means a simple formality, but a *bona fide* proposition, which the Emperor might or might not grant; as will appear from the Memorial itself, a translation of which by Dr. Williams, Secretary of the American Legation, we subjoin. It is the first of the memorials, referred to by the Hon. Mr. Burlingame (3), and reads thus:—⁵

The object of the present memorial is to lay before your Majesties a proposition for inviting our officers and educated men to study astronomy and mathematics, with a view to acquiring a thorough acquaintance with the sciences of the west; and we respectfully request directions from the throne upon the same.

We are of opinion, that, in opening such a school, and seeking for pupils of a proper capacity, we have no ancient rule to guide us, other than the maxim, that if the principle of selection be broad, men of ability will contend for the privilege. In the autumn of 1862, our board established the tung-wan-kwan, or language school, and invited English, French, and Russian teachers to give instruction in their departments. The pupils were chosen from Manchu bannermen, lads not far from 14 years old. During the five years which have since elapsed, they have made respectable progress in speaking and writing those foreign languages. But they were mere tyros in Chinese studies, having been selected at an early age, and are still unable to express their ideas in their own tongue in a connected manner. We have accordingly directed that they continue to exercise themselves in rendering from foreign languages into their own, in the hope that they will at length become adepts in translating. But if their undivided attention be not given to this object, it is vain to hope that it will be speedily attained. Should we, in addition to this, require them to study astronomy, mathematics, and other branches,⁴ we fear that their attainments would be various rather than profound—diversified at the expense of thoroughness.

It appears that the machinery of western nations, their artillery, their steamers, and their military tactics, are, without exception, the result of mathematical science. At Shanghai, and in the province of Chehkiang, and elsewhere, attempts are now making to build steam vessels. But if we do not commence at the foundation, and do the thing thoroughly, the superficial attainments we may make will really be of no practical utility.⁶

We, your Majesties' ministers, have, therefore, resolved to propose the establishment of an additional department,⁶ and to invite educated men, both

abominable roads: the driver being seated on the shaft. The journey from Tientsin to Peking, over a distance of about eighty miles, occupies nearly two whole days of torture. At the best of times, the dust is suffocating; during sand-storms, which are not unfrequent, it becomes insufferable. Many persons are known to have perished in such sand-storms.

³ Dr. Williams' superscription: "A careful memorial to the throne from the foreign office on the establishment of an institution for giving instruction in the arts and sciences of the west", is his own.

⁴ The words "and other branches" are not in the text.

⁵ Here, the aims and objects of the proposed "additional school of mathematics" are clearly defined, literally in the sense, as stated by us above (8).

⁶ The term used in the Memorial is: 添設一館, "an (a single) additional School". The expression is a common one, as applied to another addition to a family, in the shape of a new-born child. It is, therefore, plain that, the same as a child,

Manchus and Chinese, who have attained the grade of master of arts, or have been promoted among the bachelors of arts, who are over twenty years old, and well versed in their native literature, to bring certificates under the seals of their local authorities, or tickets from their banner officers proving their descent, and be examined at our office with a view to admission into this new school. We would also admit officials of the fifth grade or under, being still young and possessed of good parts, of either race, who may be inclined to enter and pursue these studies, and compete on the same conditions, provided that they shall have risen in the regular way from either the Manchu or Chinese graduates.

After this proposed enrolment of pupils has been made, we would proceed to invite men from the west to give instruction in the college,¹ with the expectation that the scholars would thus acquire a complete knowledge of astronomy and mathematics. Thus science being understood by those in the highest stations, the arts will be perfected by those in the lower ranks;² and it cannot be doubted but that the good results, after a few years, will be evident.

As to the three departments at present in operation, (i.e., the schools for the three languages),³ which will be maintained on their present basis, it is certain, that as we are able to select from a larger number and promote deserving scholars, we may reasonably expect that men of rare abilities will be discovered among their graduates.

The people of China are not inferior in talent and skill to those of the west; and if, in every department of mathematics, of philosophical research, or of mechanics, and in the modes of investigating the resources of the earth and the changes in the heavens, they become well versed and skilled, so that they can apply their knowledge, this will daily add to the strength of the nation.

We have already conferred with Mr. Hart, Inspector-general of customs, about inviting professors from western countries⁴ on our behalf, and he will be able to attend to it; but the regulations pertaining to the proposed institution, and the scale of rewards to be conferred on successful students, can be decided on after the general plan has received your Majesties' sanction. We will then deliberate upon them, and lay the results before the throne in another memorial.

At this time we merely most reverently state our proposition to invite candidates for the study of western arts and sciences—astronomy, mathematics, and other branches⁵—with our reasons for it, upon which we humbly beg their Majesties, the Empress dowagers and Emperor, to send down their instructions for our observance.

A respectful memorial requesting the will.

We are in possession of an authentic copy of the original text of this memorial, which is dated *T'ung-Chih*, 5th year, 5th day of the 11th month

born to-day, cannot possibly be identical with a child, born a year or two ago: so, the additional "School of Astronomy of Mathematics" projected by the Tsung-li Yamén in 1866, cannot possibly be identical with the "School of Languages and Literature" i.e., the "T'ung-Wén-Kuan", which had been established by the Yamén in 1862.

¹ Instead of "in the college", the text reads: 在館, "in the School".

² The text has neither superlative nor comparative. Its meaning is that, the mathematical knowledge, necessary for military engineering, ship-building, etc., having been acquired in the projected School, the students will be prepared to apply it practically, or rather to enter on the study of its practical application.

³ Instead of "As to the three departments at present in operation (i.e. the schools for the three languages)", the text speaks simply of "the three schools", 三館.

⁴ For "professors from western countries" the text reads: "western men", 西人.

⁵ Instead of "western arts and sciences—astronomy and mathematics, and other branches—", the text refers only to "astronomy and mathematics".

(December 11, 1866). As remarked in our annotations, wherever the term "department" for the proposed addition to the existing "School of Languages" occurs in Dr. Williams' translation, the Chinese text has simply "school", 館, as distinguished from an educational institution of a higher order. No "college" is spoken of; no "western arts and sciences", no "other branches" besides astronomy and mathematics, are mentioned; the "Professor" or "Professors" of the latter branches of Science are called 教師, "school-masters",—or 教習, which is much the "same thing—, as are the teachers in the "School of Languages".⁶ It is impossible to explain the version, given by Dr. Williams, on any other hypothesis save that of a designed mistranslation.⁷

11. The general proposition for the establishment of a "School of Astronomy and Mathematics" having been sanctioned by the Emperor, the Tsung-li Yamén submitted to "the Sacred Glance" a second Memorial, of which we give the version of the Inspector-General of Chinese Maritime Customs, published by him in his annual "Reports on Trade" for 1866; as though a University were the office of a Tax-gatherer, Science a branch of Commerce, and Astronomy and Mathematics so many chests of opium or bales of grey shirtings, liable to confiscation. It forms the second memorial, alluded to by the Hon. Mr. Burlingame (3), and reads as follows:—

[*Memorial of the Tsung-li Yamén, in continuation of one earlier presented, submitting farther reasons for the education of Chinese in Foreign Science and Languages, and proposing Rules for the selection and encouragement of Students.*]⁸

Your Majesty's servants make a respectful representation on the following subject:—

They have considered together, and have now to propose certain regulations regarding education in astronomy and arithmetic,⁹ as well as the question of inviting officials to pass an examination in these subjects from all parts (or, on

⁶ Dr. Morrison (A Dictionary of the Chinese Language, reprinted 1865, Shanghai, Svo., *sub voce* 教) has: "教師, *keou sze*, an instructor, in a low sense".

⁷ This will receive additional confirmation below.

⁸ The heading of Dr. Williams' translation is: "A careful memorial, proposing rules for the study of astronomy, mathematics, and mechanics, and for the examination and selection of suitable persons of every class to enter upon these branches, respectfully prepared for their Majesties' sacred glance". Mr. Wade describes it more correctly as a "Memorial by the Chinese Board of Foreign Affairs, setting forth the arguments in favor of the study of astronomy and mathematics, and proposing regulations to this end".

⁹ For "arithmetic", Mr. Wade has more correctly "mathematics". Dr. Williams arbitrarily introduces into his version "the establishment of a new department in the college of languages".

an extensive scale). To the respectful memorial containing their views, looking upward, they pray for the Sacred Glance of Your Majesty.

Whereas it is on record that Your servants, on the ground that to make machinery and firearms it is essential to study astronomy and arithmetic, did some time since propose that there should be added to the School of Languages a new department,¹ and that in this all Manchus and Chinese, who have obtained the degree of licentiates by examination, or by grace, or as twelve year men, or as licentiates of the supplementary list, or as senior bachelors, or as bachelors of merit (not holding office), together with all officers of the fifth grade or above it, whether in the capital or the provinces, being men who have commenced their career with any of the literary degrees above particularised, should be invited to stand an examination; that western men should be engaged to teach what is to be learnt in the school in question; that rules should be published for the regulation of everything therein; and that on receiving Your Majesty's assent to the scheme, Your servants should again deliberate and submit the result of their deliberations for approval.

Upon the 5th day of the 11th moon the memorial was presented, and Your servants had the honor to receive Your Majesty's Rescript:

"We assent to what is proposed. Respect this".

Their present proposition to invite candidates to an examination in astronomy and arithmetic,² is not, they would humbly observe, in any sense brought forward because in their admiration of what is curious, or their passion for what is strange, they are bewildered by³ the mechanical skill of western men.

They bring it forward because the mechanical contrivances of western men all spring from [a knowledge of] geometry,⁴ and inasmuch as China proposes to go thoroughly into all that concerns the construction of steam vessels and the manufacture of machinery,⁵ Your servants humbly apprehend that if, in a spirit of self-satisfaction she refuse to rely for guidance on western scholars who will explain the principles of mechanism and its application,⁶ the public money will be largely wasted without any advantage. It was for these reasons that Your servants, after reiterated deliberation, presented their memorial to Your Majesty.

There will be a discussion of what is proposed without due examination of its merits. Some persons will be sure to lay down that there is no immediate necessity for the measure brought forward by Your servants; some, that to abandon the ways (or arts) of China and follow the men of the west is wrong; some will go so far as to urge that it is utterly disgraceful for the Chinese to follow the men of the west. These are the arguments of men who do not know the requirements of the crisis.

Now, whereas the true policy of China is that she should be strong of herself, she has at the present moment no time to lose; and among those who do know what the crisis requires, there is not one that does not regard the acquisition of the proper branches of western science in order to⁷ the construction of foreign machinery, as the right road to self-strength. Among the governors of provinces for instance, Tso Tsung-t'ang, Li Hung-chang and others see the justice of this theory with great clearness, and persistently advocate it; they

¹ The true rendering is: "an additional School". See Note 6, p. 609, above.

² Dr. Williams, who condenses this part of the Memorial, mistranslates: "mechanics", for "mathematics".

³ Dr. Williams renders this expression more correctly "amazed at".

⁴ Dr. Williams translates properly: "mathematics". We shall take no further notice of similar immaterial discrepancies.

⁵ So Dr. Williams also. Mr. Wade has: "the construction of machinery and fire-arms".

⁶ Dr. Williams renders: "and the details of manufacture", as though the science

are constantly referring to it with some detail in both memorials and letters. Last year Li Hung-chang established an arsenal at Shanghai, at which officers chosen for the purpose were sent from the forces of the capital to study; and Tso Tsung-t'ang has recently begged permission to open an establishment for education in various mechanical arts, to choose a number of young men of quick intelligence, and to engage foreigners to teach them their languages, written and spoken, with mathematics and drawing,⁸ as the essential condition of their capacity at some future period to construct steamers and other machinery.

It may be seen from this that the opinion that there is no time to be lost in the acquisition of western science, is not merely the opinion of this small body of Your Majesty's servants.

Some may say, charter steamers, buy foreign arms; it has been done at every port; it is more convenient and more economical; why then all this trouble and expense? Those who argue thus are not aware that, in the first place, steamers and firearms are not the only things of which it behoves China to be informed, but that, to go no farther than steamers and firearms, however great the convenience of chartering or buying steamers to meet an immediate exigency, the secret of their utility (their law or method) is a question [not of the thing, but] of the person. The principles [of their construction, &c.] must be thoroughly studied, and their secret once understood, their utilisation will rest with the person who has mastered it (*lit.* we or us). [Some thing permanent has been proposed,] for it is without discussion self-evident, where the alternative is the adoption of a provisional measure, or the projection of a scheme for all time, which course of the two will be successful.

To come next to the objection that the abandonment of the ways of China for those of western men is wrong. This again is the language of crotchettiness.

For the foundation of its science, it would appear that the west is really indebted to the astronomy of China. The nations of the west believe their arts to have come from the east; but their people being subtle (or, of refining minds), and able speculators (*lit.* good in revolution of thought) were consequently enabled to set aside what was old and develop something new; this they took on themselves to dub foreign; but, in reality, the science (*fa*, the way or rule) was Chinese. Thus has it been with astronomy and arithmetic; and so with every other invention. China discovered, and the men of the west appropriated it.

Now, if China were to get before them [in science,] in that she would then possess within herself a thorough acquaintance with fundamental principles, she would in no case be obliged to look abroad for what she might require. The advantage therefore [of her being educated in the manner proposed,] is really not inconsiderable.

Yet farther; the arts⁹ of western men were held in the highest esteem by Your Majesty's Sainted Ancestor canonized as the Humane (K'ang Hi). Foreigners were given posts in the observatory; there were by law always to be some on its establishment. All tolerating, all comprehending, how infinite was the wisdom of His Majesty! Nor does it become the present Dynasty to ignore these or those of its traditions.

of mathematics included a practical knowledge of such details. Mr. Wade translates properly: "*the fundamental principles of construction*" i.e. on which the construction is based.

⁷ Instead of "in order to", the text reads: "with a view to".

⁸ Dr. Williams adds, of his own authority, "mechanics" to "mathematics and drawing". It will be observed that, in connection with the proposed school of mathematics at Peking, "drawing" is nowhere mentioned.

⁹ Dr. Williams translates: "the learning and arts"; Mr. Wade correctly: "the sciences".

Besides, arithmetic is one of the Six Arts.* In ancient times, the agriculturist and the soldier were all alike acquainted with astronomy.¹ In after ages, the study of it was strictly forbidden, and the knowledge of it declined. In the period K'ang Hi of the present Dynasty,† the prohibition against the study of astronomy by private individuals was specially repealed, and from this date learning [in this particular branch] began to abound, and the science of astronomy to flourish. With the study of the *king* (Chinese ancient classics) scholars combined that of arithmetic. Men prepared compilations upon the subject, carefully examining authorities and deducing conclusions.

Says the proverb, "Ignorance of any thing should make the scholar ashamed", and ashamed indeed is the man of learning if when, as he leaves his door, he raises his eyes to the skies, he be not able to understand the constellations he beholds. It would be his duty, were no such college² as this established, to cultivate the science; how much more now that his attention is specially directed to it (*lit.* a target is hung up inviting him *sc.* to shoot.)

Still more perverse is the argument that it is disgraceful to take lessons of western men. There is in the world nothing so disgraceful as to be inferior to one's fellow. Western nations have been studying the construction of steamers for some score of years; and as each has taken lessons of the other, the construction of steamers has been daily modified. In the eastern ocean, Japan also a short time since sent men to England to learn the English language, to study astronomy, and to compile works on steam navigation. In a few years they will have accomplished [what they have undertaken]. Now, without saying more of the maritime powers of the west, each rivalling the other in its naval force, when a little state like Japan can make an energetic effort to become powerful, of what could China be more ashamed that she alone should be obstinately holding on to antiquated (*lit.* accumulated) routine habits, indifferent to renovation of her vigour? And is her shame to be wiped out by the argument of those who, so far from holding it shame to be behind one's fellow, contend, when it is proposed to come up with one's fellow so as to be able perhaps one day to leave him behind, that the one thing shameful is to learn of him, and rest satisfied consequently [with the doctrine] that the wisest course will be never to learn at all?

It may be urged that the work of making and fashioning is the business of artisans, and as such beneath the scholar. Your servants have an observation to make on this also. In the Ritual of Chou, the [supplementary] Note on the inspection of workmen and their work is exclusively devoted to such matters as [working the wood of] the *tsü* (cedar?), making coffins, wheels of chariots, and the hoods of chariots. These arts have been respected as classical (as recorded in the classics,) for thousands of years in the schools; and why? Because, while the artificer practises his art the scholar informs himself of its principles. The study of the scholar with a view to the understanding of things, is in no sense synonymous with compulsion of the man of letters, or the official, to engage personally in the business of the craft. How can it be supposed?

But, to conclude, the end of learning is utility; things are valuable in proportion as they suit the times. The objections advanced [to the present scheme] are, be it, numerous; it is the duty of the administration (*lit.*, of those who play the game) after duly weighing its merits to come to a decision, and

* The Liberal Arts of China which, according to the most ancient code, youths should begin at fifteen years of age to study, are 6, moral obligations and formal observances, 30 music, *shü*, archery, *shü*, chariot-riding, *shü*, literature, *shü*, arithmetic.

† From the year 1661 to 1722.

¹ More correctly: "the motions (and positions) of the heavenly bodies".

² The text reads "school", instead of "college".

³ Although Mr. Hart here, erroneously, identifies the projected additional "School of Astronomy and Mathematics" with the "T'ung-Wen-Kuan" or "School

Your servants, the memorialists, have given it mature consideration. The system, however, being but newly started, great attention must be bestowed on its details. Speaking generally, if the course of study is to be severe, the allowances must be liberal, and to stimulate the student, his promotion should not be lost sight of. Your servants have accordingly in solemn conference proposed six regulations on the subject. They herewith present a copy of them for Your Majesty's perusal, and respectfully abide your Imperial decision thereon.

They have farther to submit that inasmuch as the *pien-hsin*, the *chien-tao* and the *shu-chi-shih*, of the Han Lin College, are all of them officials eminent for their learning, with comparatively light duties, they would be certain, were they obliged to study astronomy and mathematics, to acquire these sciences with facility. It is the duty of Your servants, therefore, to request that in order to widen the field of selection, the invitation be extended also to these officers, as also to all, whether in the capital or the provinces, of the fifth grade or above it, who have commenced their official career as *chin shih* (doctors) to undergo the same examination as the five denominations of licentiates before enumerated.

Prostrate they pray for the Sacred Glance of Their Majesties the Empresses Dowager, and His Majesty the Emperor, upon their proposition, and for instructions that shall inform them whether it be regarded as a fit one or the reverse.

A respectful memorial.

Upon the 24th day of the 12th month of 5th year Tung Chih (29th January 1867) was received the following Rescript:

"We assent to what is proposed. Let the enclosure be given out as well as the memorial. Respect this!"

Copy of Six Regulations considered and proposed with reference to the Students of Astronomy and Arithmetic in the School of Languages,³ reverently made and submitted to His Majesty for perusal.

1.—It is requested that officials in the regular career, in particular, be chosen as students. Astronomy and arithmetic are abstruse and profound sciences, into the secrets of which an insight will not be gained save by men who know what it is to study with diligence. There is a difference between their studies and those to which students of foreign languages, oral or written, are exclusively devoted. In addition, therefore, to the original proposition that students should be taken only from among the various classes of licentiates enumerated in the first memorial, and officials who have commenced their career as licentiates of these classes, it is now proposed to widen the field of selection, and to make *shu-chi-shih*, *pien-hsin*, and *chien-t'ao*, of the Han Lin Yuan, as well as all officials, whether in the capital or the provinces, of the fifth grade or above it, who have commenced their career as *chin-shih*, eligible to be entered as students; for the reason that the officials in question having been accustomed to hard study of the classics, and being skilled in the exercise of their thinking powers, their task with the undivided energy which they will be sure to apply to it, will be easily accomplished. The candidates, whether office-holders recommended by the chiefs of their departments in the capital or provinces, or persons not holding office having the necessary certificate stamped by a fellow provincial holding office in the capital, or [if Mönchus,] the certificate of the office of their Banner, when they present themselves at the Yamén of the memorialists will be examined at a time to be appointed, and if they pass will be

of Languages": yet, by admitting, or contending, that it is included in the latter, the "College", of which he repeatedly again speaks in the sequel, falls of itself to the ground, or is in his own words reduced to its proper level,—that of a primary "School of Languages and Arithmetic".

admitted to study in the college.¹ Those sent up by the provincial governments have some of them a greater distance to travel than others, and as it would hardly be possible to wait an indefinite time for them, there must be a supplementary examination for these as they arrive, to prevent delay. Next, as to the age of the candidates to be sent up by departments, whether in the city or the provinces, they must be chosen under thirty. But persons who have been studying astronomy and arithmetic who wish to enter the college² for the improvement of their scientific knowledge, will be admitted, if provided with certificates, without reference to their years.

2.—It is requested that in the interest of their studies the officers admitted to the college³ be directed to reside there. To the success of an undertaking an abiding attention is essential; to study hard it is necessary to be close to one's teacher. The officials who remain in the college⁴ as students must be there early and late, learning by the explanation [*sc.* lectures of their teacher], enquiring when they are in difficulty. Thus is it that they will in due time make way. If they are to leave home in the morning and to return in the evening, no little time will be lost by their running to and fro, and their thoughts will be diverted from their studies. It is proposed therefore that all officials whether from the capital or the provinces, who may be students in the college⁵ shall reside in the college;⁶ that their food shall be provided by the Yamên of the memorialists, and that their incomings, and outgoings shall be noted in a book kept for reference by the principal of the college.⁷ Where a student has to be sent to do some duty or to stand other examinations, as the subordinate of the Yamên of the memorialists or of any other office, he will be sent as heretofore; to the end that one duty may not interfere with another.

3.—It is requested that there be a monthly examination to test the industry of the students. With devotion and resolution the students will of course daily attain greater proficiency, but a periodical examination to ascertain who are idle and who industrious, is also needed as a stimulus to exertion. It is now therefore proposed as soon as they shall have been half a year at their studies to examine them on stated subjects once a month. The examination will be superintended by the ministers of the Yamên in person, and the merits of the deserving and demerits of the recreant, noted in a formal return. The exhibition of both, side by side, will excite to greater activity.

4.—It is requested that a term of years be named for the holding of examinations to shew the results of the new system. Triennial examination is the means by which the Throne tests the merits of the civil service; triennial, because after three years' service, the worth or unworthiness of any employé will at once be apparent. It is now proposed that every three years, when the great civil service examination takes place, the students should be classed; the higher class forthwith recommended to the Throne, and their employment on probation considered; the lower class to continue at their studies until the ensuing examination.

5.—It is requested that in order to induce exclusive attention to study, the allowances for small expenses be liberal. It is more than likely that the officials who are to be kept in college⁸ to study, will be scholars of scant means or of low degree, and in order that their attention should not be distracted by other cares from their studies, it is essential that great charity should be shown them.

It is proposed therefore that, independently of their food, which will be provided for all officers residing in college⁹ by the Yamên of the memorialists, they should receive an allowance of ten taels each a month, to aid their funds, and while thus in some degree relieving them from anxiety about their private expenditures, to enable them to give their attention more undividedly to their work.

6.—It is requested that the students be encouraged by liberality in rewards

1-9 See the preceding note.

and promotions. When students after three years' study are placed by their examination in the upper class, it will be sufficiently clear that they have laboured steadily throughout, and it will of course in that case be right that they should be more than ordinarily rewarded, in order to the encouragement of those who will be left still to study. It is proposed therefore that officers of this class, each with reference to the rank he holds, be recommended for higher rank; that [the ardour of students] may be stimulated and [candidates] induced to come for ward in large numbers.

Setting aside Mr. Hart's erroneous translation of the expression 添設一館, which he renders "a new Department" instead of "an additional school," his repeated attempts to convert the projected elementary school, 館, into a College (University), 學宮, and a few other points, his version is a very fair one, and leaves no manner of doubt either as to the scope and character of the projected school, or as to its being a school distinct from the "T'ung-Wên-Kuan" or "School of Languages," established in 1862.

12. The preceding Memorial of the Tsung-li Yamén, essentially of an apologetic nature, was composed with the view of meeting the objections, which the first Memorial (10) had raised, in the Privy Council, against the scheme of a new School of Astronomy and Mathematics, under the tuition of foreign teachers, and independent of the Imperial Board of Astronomy. The leader of the opposition was the Grand Secretary Wá-Jên, a prominent member of the Council in question, and the First or Classical Tutor of the young Emperor,—“an obstinate old man,” according to Mr. Hart, “ignorant of everything outside of China, and perfectly rabid against foreigners.”¹ The controversy, which ensued between that influential mandarin seconded by the Censor Chang Shêng-Tsáu on the one hand, and the Government on the other, was conducted, on the part of the latter, in a most undignified manner. The Imperial Rescripts alone were published, and from them the arguments advanced against the proposed measure had to be inferred. A fatal mistake, undoubtedly was committed on the outset, by the attempt to establish a foreign School of Astronomy and Mathematics, as it were in opposition to the ancient Imperial Board of Astronomy, and, however remotely, to connect “the Queen of Sciences”, more highly and in a more religious spirit honored in China than in any other country, with the foreign Inspectorate of Chinese Maritime Customs. It was, in the Chinese mind, an outrage at once against Heaven, tradition, and decorum. Mr. Hart's Scheme for the Regeneration of China died still-born. It had failed, even before it was “ventilated”. As to the additional School, projected by the

¹ In his “Note on Chinese Matters”, 5.

Tsung-li Yamên, the Imperial Government, in the first place, commanded the opposing Grand Secretary Wôa-Jên, to establish and direct a similar School of Astronomy and Mathematics himself, "in order that the students of both Schools might be pitted against each other"; and on his Excellency declining the proposition, he was, in the second place, commanded to join, as a Member, the Board of the Tsung-li Yamên. Against this honor, too, the "obstinate old man" respectfully demurred; pleading, in a slightly sarcastic tone, his apprehension lest, "being of a dull and stickling disposition, he should impede, rather than forward, the affairs of the Yamên": whereupon another, almost threatening Rescript appeared, repeating the Imperial Commands, and decreeing that Wôa-Jên enter upon his new duties at once. The latter Rescript was dated the 25th of April, 1867.¹ Up to this day, Mr. Hart in his "Reports on Trade" gives abstracts of the various Imperial Rescripts, here alluded to, adding:—"March 28th [April 29th]. The Court Gazette announces" [erroneously] "that Wojên returned thanks (as we should say, kissed hands,²) for his appointment to the Yamên of Foreign Affairs" [the Tsung-li Yamên].³ Mr. Hart thus leaves his readers under the impression that Wôa-Jên actually joined the Tsung-li Yamên, and that the opposition to the projected School of Astronomy and Mathematics met with a complete defeat. Under the same impression the United States Government is left by the Hon. Mr. Burlingame. In his despatch, dated Peking, May 8, 1867, he reports as follows:—

SIR,—I have the honor to send you a despatch from Prince Kung, giving information of the appointment of Wo-jin as an additional member of the foreign office. Also an extract from the "Peking Gazette", disclosing the reasons for that appointment.

Wo-jin is one of the chief men of the empire and at the head of the opposition to the foreign policy of the government. He criticised severely the employment of foreigners by the government, to teach the languages and sciences of the west, and intimated that Chinese might be found to do that work. The government immediately decreed that he should find such learned Chinese and set up a school of instruction. Whereupon Wo-jin, much disturbed, said that he could not find them. The government decreed that he should enter the foreign office. This also alarmed him, and he tried to escape this new position, but was not permitted to do so. Hence the notice to us of his appointment.

¹ Mr. Hart gives erroneously for this date the 27th of March. His next date, March 28th, should be April 29, 1867.

² Mr. Hart appears to have strange notions of Court etiquette.

³ Reports on Trade at the Ports in China, open by Treaty to Foreign Trade, for the year 1866. Published by order of the Inspector-General of Customs, Shanghai, Imperial Maritime Customs Press, 1867, 4to., pp. 158—162.

⁴ Papers relating to Foreign Affairs, Washington, Government Printing Office, Part i, 1868, 8vo., pp. 482—3.

⁵ In the early summer of 1867, all the prayers of the Emperor for rain having

This is considered by us a very skilful method of silencing the leader of the opposition. I have the honor to be your obedient servant,

Hon. WILLIAM H. SEWARD,

ANSON BURLINGAME.

Secretary of State, Washington, D. C.

Prince Kung to Mr. Burlingame

[Translation.]

April 26, 1867, (Tungchi, 6th year, 3rd moon, 22nd day.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

I have the honor to inform your excellency that this office yesterday received the following imperial rescript:

"The cabinet minister, Wo-jin, is hereby appointed an additional member of the board of foreign office".

The purpose of this communication is to give you notice of his appointment.

[Extract from the Peking Gazette, April 29, 1867.]

IMPERIAL RESCRIPT.

The cabinet minister Wo-jin having been recently ordered to act with the foreign office board, sent up a memorial in which he earnestly requested that his appointment might be rescinded; but we again ordered the general council to give him notice that his declination could not be accepted.

To-day he has sent another memorial stating that as his understanding is very mediocre, and he is rather set in his ways, he is afraid that he will only be an impediment in the management of affairs, and therefore again earnestly requests that he be not required to act on this board.

Now the various matters brought before the office for foreign affairs are of the highest importance, and Wo-jin is himself a dignitary of the highest rank, so that it is incumbent on him at this juncture to exert all his energies of mind and body to aid in their difficult management. In this way he can fulfil the obligations resting on him. How can he excuse himself by such trifling reasons as these?

Let Wo-jin's memorial receive no further attention. Respect this.⁴

Both the Hon. Mr. Burlingame and Mr. Hart ignore the final Imperial Rescript of May 1, 1867, which recalls the previous Edicts, annuls Wóa-Jên's appointment to the Tsung-li Yamên, and gives him the complete victory over that fraction in the Privy Council, including Prince Kung and Wên-S'iang, who supported the Yamên.⁵

13. Meantime, one of the Members of the Tsung-li Yamên, S'üü, had been appointed, in February, 1867, to the superintendence of the *T'ung-Wên-Kuan*, in anticipation of its re-organisation. We subjoin the Imperial Rescript relative to this appointment, as translated and published by the Inspector-General of Chinese Maritime Customs, Mr. Hart, in his "Reports on Trade". It reads as follows:—

proved unavailing, and famine hanging over the country, in the extremity of need an Imperial Commission was appointed to sacrifice to the God of Rain, residing in a pool of the "Black-Dragon Temple", a few miles from Peking, a tiger or at least a tiger's head—the god being an epicure, and especially addicted to delicacies in the way of tiger flesh—, with the view of propitiating his unrelenting wrath, to which the prolonged drought was ascribed. It was Wóa-Jên's influence, it is supposed, which caused Wên-S'iang, the leading member of the Tsung-li Yamên, to be placed at the head of that Commission, which went in state to perform the prescribed ceremony, albeit it had only a skull to offer up.

The Yamén of Foreign Affairs has presented a memorial praying the appointment of an officer to fill the post of minister superintendent of the lately established T'ung-Wên Kuan (School of Foreign Language or Literature).

Hsi Chi-yü, the President of the T'ai P'u Ssu, is so respected for his great experience (or assured capacity), that he is well qualified to serve as a pattern to lettered men (*lit.* the forest of scholars). We command therefore that he fill the post of *tsung kuan t'ung wên kuan shih-wu ta-ch'ên* (minister in general charge of the school of languages). He will continue to serve in the Yamén of Foreign Affairs, but as it will hardly be in his power to attend to the business of the T'ai P'u Ssu, as well as to his other duties, We command that he vacate the presidentship of that Court; that so by exclusive devotion to his new duties he may be enabled to set an example [to the students]. Respect this!

The rendering: "minister superintendent" and "minister in general charge"—taking "minister" in the sense of "minister of State" (2),—is erroneous. No Member of the Tsung-li Yamén is, as such, a Minister of State, but simply a Member of the "Commission (or Board) for the General Control of Individual (Tributary-) States' Affairs". S'üi's proper title was: **總理同文館事務大臣**, "the Hon. the Superintendent of the Affairs of the School of Languages and Literature". Notwithstanding the opposition of Wéa-Jén, therefore, the Tsung-li Yamén, having obtained the Imperial assent to the establishment of an additional School of Astronomy and Mathematics within the precincts of the Yamén,¹ proceeded to carry this plan, though in a modified form, into effect, and, *as a preliminary step towards its realisation*, to partially re-organize the existing School of Languages. The Professors, engaged by Mr. Hart for "the New Chinese University", had, as we have seen, been deposited in the students-quarters of Crooked-Railing-Lane-Court, until the promised residences could be purchased or built for them. Hence, the furnished sets of apartments, prepared for their reception at "the Foreign Office" (9), were at the disposal of the Yamén. They were calculated to accommodate three professors,² forming as they did, according to Chinese custom, three separate little courts or "establishments". These were now converted into "the College-Buildings", including halls, lecture-rooms, and all. The only remaining difficulty was, to collect a sufficient number of "students". It proved not a slight one.

¹ Properly speaking, therefore, the "T'ung-Wên-Kuan" at Peking is nothing but a *private School* of the Imperial Commission, known as the Tsung-li Yamén, established with the sanction of the Chinese Government; the same as would be a similar school at home, established in connection with, and by, some Royal Commission, with the sanction of Her Majesty's Government.

² The restricted extent of the accommodation, provided by the Tsung-li Yamén, shows clearly that Mr. Hart, in engaging "a staff of Professors for the (projected) Peking College", had *even no verbal* authority from the Board in question; although, *subsequently*, it would seem to have thus far acceded to what he had taken upon

Out of Dr. Martin's millions of patient *scholars*" (4) not one could be induced, even by the tempting bribe of ten taels a month for pocket-money, besides board and lodging, to come forward in the face of Wôa-Jên's protest. Some *very* needy men—students "of scant means and low degree", succumbing to the Tsung-li Yamên's "great charity" (Yamên's Six Regulations, ii)—were at last gathered together for "matriculation" (2), and on November 30, 1867, the Secretary of the Inspector-General of Chinese Maritime Customs, Mr. Campbell, issued a notice to the "resident" Professors, stating that Mr. Hart *had been instructed* to request their attendance at "*the opening of the College*", at 12 o'clock on the following day, December 1, 1870, a Christian Sunday, but "a lucky day" in the heathen Kalendar of the Chinese.³

14. Before we proceed, however, it will be necessary to relate how had fared those Professors in Crooked-Railing-Lane-Court. Despite of the uninviting aspect of the accommodation, prepared for them at the Tsung-li Yamên, the Professor of Astronomy had determined, subject to certain conditions, temporarily to accept it, and, Mr. Hart having left the matter in his hands, his colleagues,—the Professor of French Language and Literature was still on his way to Peking,—had agreed to adopt the same course. But, the little authorities, swaying the Court in question, put their heads together; and, profiting by the momentary absence of the Professor of Astronomy, the Inspector-General's Secretary, Mr. Campbell, by a positive untruth induced the nominal occupant of the Chair of Military Sciences to write a letter, expressing his desire to remain at "the Customs", in which desire he was, under similar circumstances, joined by the Professor of Chemistry. Finally, Mr. Campbell submitted the matter for decision to Mr. Hart, who, without a previous reference to the Professor of Astronomy and with his accustomed disregard of the rules, which usually guide the conduct of gentlemen, there and then settled the point in favor of Crooked-Railing-Lane-Court. The secret was that, on the part of that Court, there existed a burning jealousy of the Foreign Legations. The latter form a

himself to do. The Board, however, possessed no authority of its own in the matter; and the Imperial sanction was exclusively given, among the new appointments, to that of the Professor of Astronomy and Mathematics.

³ The letter reads thus :—

"Peking, 30 Novbr. 1867.

DEAR SIR,—Mr. Hart desires me to inform you, that to-morrow, the 1st December, being the day appointed for the opening of the College, he has been instructed to request the Professors to be present at the Yamên at 12 o'clock. I am, dear Sir, yours truly,

(Sign.) J. D. CAMPBELL.

cluster of *fu's* or Chinese-princely mansions, the locality of which, though yielding in filth, dirt, and dust to none other, are regarded as the fashionable foreign quarter of the Northern Capital. Such a *fu* had been refused to the founder of "the Customs". He had been located in the vicinity of the distant Tsung-li Yamên, in a lane of very indifferent repute, and the approaches to which were far from savoury. True, those members of the Legations, who associated with "the Customs-people" were comparatively speaking "a poor set"; and the hospitality of the highly-paid "mercenaries" of the Chinese,—excepting that of the Inspector-General—, cast not only the junior and senior Legation-messes, but the tables of certain of the Ministers themselves into the shade. Still, some second Secretary, some presuming Interpreter, of Legation would occasionally keep a grand Customs dinner waiting a painfully long time; or make his late appearance in unvarnished boots, or kid-gloves of questionable whiteness; nay, in a black-silken or sky-blue satin neck-tie. Those colored neck-ties and soiled kid-gloves, those various signs of disrespect, caused heart-burnings unspeakable to the authorities of Crooked-Railing-Lane-Court. Hence, the Secretary of the Inspector-General and President, by courtesy, of that Court, Mr. Campbell, ambitiously treading in the footsteps of his chief, had allowed the grand idea of "Regeneration" to enter into his mind also, and resolved to raise Crooked-Railing-Lane Court to at least a level with the Legations, by adding to its wealth the respectability and learning of the "distinguished savans" of "the University of China", together with a new and costly *ameublement*, especially manufactured for its reception-rooms, and emblazoned with the Imperial Dragon, in England. And hence, Mr. Hart's decision in favor of the bare walls of the students-quarters at "the Customs" *versus* the *suites* of furnished apartments at "the Foreign Office", as more fit and proper temporary residences for the "eminent scholars", whom he had induced to accompany him to the Capital of the Great Ching Empire of the World.

15. Among those gentlemen, the Rev. Professor of English Language and Literature enjoyed a high degree of popularity at Crooked-Railing-Lane-Court. He was, or had grown during the passage out, somewhat eccentric. We are not aware that he possessed any other title to distinction, or to scholarship; but he was a hearty good fellow, unequal to bear up against the reminiscences of the past, the disappointments of the present, and the prospects of the future. In turn giving way to despondency and alcoholic stimulants, his mind, in the keen air of Peking, grew overexcitable.

Study was not his predilection ; and the study of Chinese, to most persons, a trial in itself, added but to his discontent. So he took to various methods of enlivening the one, and banishing the other, until, by a series of pyrotechnic displays, the noise and *éclat* of which would have reflected no discredit on Cremorne, he alarmed the Secretary of the Inspectorate, whose watchful ear and eye presided over Crooked-Railing-Lane-Court, for the efficiency of his own valuable hearing and sight ; and the Rev. Professor, having one fine evening thrown a heavy oil-lamp, burning, at the head of his native serrant, fired, on the latter taking to his heels, a bullet from his revolver after him by way of recall, and threatened to blow up "the whole Crooked Court" : his conduct was in due course "reported" by the Secretary, *although* the Professor was both a countryman and connexion of the Inspector-General himself. For decency's sake, Mr. Hart, on the strength of a medical certificate, caused "his name to be removed from the list of Professors of the *T'ung-Wên-Kuan*" of Peking ; but only to promote him to the head-mastership of the *T'ung-Wên-Kuan* of a distant Provincial Capital. For, the latter city also has its "*T'ung-Wên-Kuan*," a primary School of Languages, of earlier foundation ; and could a doubt have existed as to the character of the northern institution, its southern prototype must have dispelled it. Previously to "the opening of the College" the newly promoted Head-master was succeeded in his vacated "professorial Chair" by another countryman of the Inspector General's,—an accomplished Irish gentleman, who had graduated with honours in Queen's Univerity in 1863 and passed in 1865 a creditable and successful examination before the Civil Service Commissioners for an appointment as student-interpreter in Peking. It was to the general surprise, that he left the honorable, though not highly paid, Consular Service of his country for the uncertain position, nominally of a Professor, really of a school-master, in the "*T'ung-Wên-Kuan*" of the Tsung-li Yamén. But he did so, after a lengthened residence in Peking ; with a full knowledge of the character and constitution of "the College," in which he engaged to teach ; and with a clear understanding as to the duties, he was expected to perform. In his case there was no deceit practised, because there was no deceit possible. All this will account for the tenour of a letter, which, in answer to some strictures on "the Peking College" ascribing its failure to the incompetency of the Professors, he addressed in December, 1869, to "the North-China Herald," and in which he states :—"Neither Dr. Martin nor Mr. Hart, nor any one who knows me, have ever expressed, or, I make bold to say, felt any doubts of my

competency to discharge the duties of my post. ...To scholarship I make no pretensions, but surely the modest task of teaching my own language does not require deep scholarship. *Any Englishman of average education, possessed of the requisite knowledge of Chinese, might discharge it.*" This remark, certainly may apply to a teacher in an elementary school, such as the "T'ung-Wên-Kuan" at Peking; but is, we need not say, wholly inapplicable to a Professor, supposed to occupy a Chair in any English or German University. Indeed, the fact, that the new Professor was engaged,—at a time when, virtually, the very hope of a College had already vanished into air,—to give "rudimentary instruction in English, advancing from the A B C of the language"; "to assist in making or superintending translations from Chinese into English and *vice versa*, as may be called for"; and to devote to "the duties of the College at least six hours daily," speaks for itself.¹

16. The Professor of French language and Literature, who had been attached to the Paris Observatory, arrived in Peking about the commencement of 1867, having travelled from Chi-fu overland. He carried, in the shape of baggage, a rusty fowling-piece, and the motto: *Aut Caesar, aut nullus*. The ways of Crooked-Railing-Lane-Court were not his ways. Being an "eminent scholar," he found the heavy and intricate mess-bills, made up by the Secretary of the Inspector-General, Mr. Campbell, though directly proportionate to his professorial dignity, in the inverse proportion of the professorial pay. He even dared to rebel against the moderate "squeeze" of about five per cent, levied upon that pay by Mr. Hart's compradors. So, converting his sitting-room into a bed-chamber and his bed-chamber into a kitchen, the "distinguished savant" retired from the "Court" mess, and set up an establishment of his own. But independence was adjudged to be an abomination in Crooked-Railing-Lane. It could not be tolerated. His servants forsook him. He had to do the marketing, and the cooking, and everything else, if he wished it to be done at all, *in propria persona*. The Court was scandalized. The presiding authorities made overtures of peace. But the Professor, haughtily rejecting them, rented a Chinese house in a neighbouring lane; *bought* a Chinese woman, whom he promoted to the position of maid-of-all-work; conferred on his Chinese teacher the additional charge of gate-keeper; and in his independence laughed at the "slaves,"

¹ See the extract from Mr. Hart's letter to him, below.

² Mr. Hart had promised to the Professor of Chemistry that indispensable accessory to his "Chair"—a completely furnished laboratory. It was continually "coming", but never came. Nevertheless, the "Professor" is now, we hear, "lecturing"

who submitted to the dictation, the intrigues, and the extravagance of the would-be-regenerator of Crooked-Railing-Lane-Court. In regard to one point only he had been thus far unsuccessful. Aspiring, as he did to the distinction of a blue, if not a red button, and, freely, in Chinese fashion, exposing his shaven head to the fierce glare of a July sun with nothing but a fan to protect it, he furnished to Peking the ocular demonstration, that there are Western crania not inferior in quality to the hardest native skull : but, upon the Tsung-li Yamén all these advances were lost ; and un-buttoned, the Professor had resumed his habitual dress before that grand event—"the opening of the College."

17. There remained, however, sufficient elements to keep up the sensational character of Crooked-Railing-Lane-Court. The sounds of swearing, cursing, kicking to the right and to the left, were periodically heard not only during the day, but frequently also during the night. They proceeded chiefly from the Professor of Military Sciences, a French gentleman, who was labouring both under discontented mental impatience, and a painful bodily disease. Poor fellow ! As warm-hearted a man and, we doubt not, as brave a soldier, as ever lived, he was totally unfit to occupy a Professorial Chair, whether in the old "T'ung-Wên-Kuan" or in the "New University". His *forte*, not to speak of an inexhaustible vocabulary of language unpolite, consisted in drinking *absinthe*, and smoking *caporal*. Studying Chinese was not quite so much to his taste ; and occasionally, when a crash was heard in the direction of his rooms, Mr. Wade's "Forty Exercises", having missed the native teacher's head and flung through a window-pane, were seen to perform a series of summersaults across the Court, followed, in one instance and similarly impelled, by the unlucky teacher himself. Mr. Hart, on his return-voyage to Peking, had picked up the old campaigner on board the "*Alphée*", and there and then made of him a "Professor of Military Sciences" in "the New Chinese University". Not long after "the opening of the College", death relieved him of his sufferings. His "Chair" remained vacant. Another French gentleman, the Professor of Chemistry and Natural History,—which latter branch of Science, wholly unfamiliar to him, had been added to his title by way of ornament, and for the purpose of nominally filling up so important a Chair in "the College"—, had determined to cast in his lot, for better for worse, with that laboratoryless, 2

on Chemistry in the Peking "School of Languages and Literature", under the "Presidency" of Dr. Martin, who, thus assisted, attempts still to keep up the farce of "the New Chinese University". Compare also the "Princeton Review" for October, 1870 :—"Emancipated from Confucius, the best teachers must be given the

apocryphal institution, and taken up his permanent residence under the immediate *surveillance* of the Inspector-General, in the summer of 1867. Crooked-Railing-Lane-Court might thus have assumed a certain air of comparative quietude and "respectability", but for the "regenerative" spirit, presiding over its destinies. We are not alluding to the *fa-tzûs* and gymnastic antics, played, with the thermometer at 100° Fahr., by the Inspector-General's Secretary, for the amusement and astonishment of the Court, but to the dissolute habits introduced into it, the lavish expenditure, gambling, betting, and drunkenness, encouraged and patronized by him, with the knowledge and tacit sanction, we need hardly add, of his Chief.¹

Chinese. Dr. Martin, the missionary, is the man selected". And he not only is made to preside over the flourishing Peking University, but "is giving into the hands of our merchants the prized Commerce of Asia". The Editor of the "North-China Herald" for April 21, 1871, remarks on the article: "It is an anonymous one; and as circumstances forbid our attributing its authorship to the only probable source in China, from whence innumerable panegyrics of this favoured empire have already flowed into the American press, we are reduced to a condition of simple wonderment as to its possible origin. The matter smacks strongly of the hermeneutic enthusiasm, which centres in the lecture-room of "the Peking University"; but the *manner* is the manner of the illustrious George Francis Train".

¹ To adduce a somewhat amusing incident of life in Crooked-Railing-Lane-Court to this effect. We have mentioned (14) the new furniture, crockery, etc., ordered—at the expense of the Chinese Government—from England for the sitting-and dining-room of the Mess. It cost upwards of one thousand pounds stg.: but represented, too, all the colors of the rainbow. The eye was especially attracted by two huge sofas, covered in morocco of a delicate pinkish hue. Invitations were, of course, immediately issued for a grand dinner by the President-Secretary, Mr. Campbell. He looked: "the proudest moment of my life", when, just before the expected arrival of the guests, he was seen triumphantly to survey the magnificent display. Alas, alas! His attention was at that instant drawn to the fairest of fair sofas. It presented, at one end, the most unmistakable traces of a pair of dirty boots having been engaged in the prolonged attempt to imprint some vaguely conceived and very irregular design, of a bold, large pattern, on the bright ground of virgin pink. At the other end, a phenomenon more difficult of explanation met the sight,—a large, black, moist-looking spot, fringed with a whitish, cream-like, undulating border, and extending over the whole breadth of the seat. "Boy!" the President exclaimed in a voice of indescribable wrath and emotion, and ringing the bell furiously,—“Boy! what is this?” At the same time, being short-sighted, he stooped to examine more closely into the nature of the mysterious stain, and was on the point of putting his nose to it, when the Chinese servant entered, and, in reply to his repeated question, with a broad grin on his face, declared: "Lo Láo-ye p . . s". "Lo Láo-ye, p . . s! ejaculated the President aghast, and striving to regain his feet as fast as he could... But, so it was. It had been noticed on the previous day, at dinner, that the gentleman in question, an English *employé* in the Customs-service, had with difficulty maintained his equilibrium. He left the table early, and was supposed to have found his way to his own apartments; instead of which he had preferred the nearer drawing-room of the

18. To witness such scenes, and to mingle in such society, was doomed, for a period of nearly two years, the Professor of Astronomy,—the only one of the Professors engaged by Mr. Hart who held a position in the learned world, and had devoted his life to science, and the pursuit of scientific truth. New truths, subversive of established systems, are in our days no more acceptable to the representatives of dogmatic science, than they were in the days of Copernicus and Galilee. The persecuting spirit of a past age is not extinct: it has only assumed a different form.² A long time it took to convince the world at large of the cosmical fact of the Earth's rotation about her axis: a longer time it may take to convince it of

Mess,—not lighted that evening—, made himself "comfortable" on the new pink-colored sofa, and, no rare occurrence, bopped himself. On the following morning, the Secretary "reported" to the Inspector-General what had happened. There was, in the afternoon, an examination in Chinese. The sofa-spoiler, despite of his still muddled condition, secured the second award; the first being given to Mr. Hart's brother. We should, perhaps, explain that the gentleman alluded to was the step-son of one of the Foreign Ministers, then resident at Peking.

² This spirit would seem to be by no means restricted to professional scientists. We find it exhibited even, where one would least expect it, *f.i.* in an article on "Chinese Statesmen and State Papers" (Fraser's Magazine for March 1871), the authorship of which rumour ascribes, in accordance with internal evidence, to Sir Rutherford Alcock, the late British Minister at Peking. The article itself, though it necessarily contains some correct statements and views, affords one more illustration of that thorough superficiality in all things, for which and an inordinately high opinion of himself, Sir Rutherford is so remarkable; and shows that it is possible for an English diplomatist or a man of education to live a quarter of a century, and under the most favorable conditions for obtaining information, in China, and yet remain almost in complete ignorance both of the political and administrative institutions of the country, the machinery of its Government, and the language of its people. We will not do Sir Rutherford Alcock the injustice to hold him responsible for the poor and inexact versions of the only two, what he chooses to dignify by the term, "State-Papers", given by him; for, he is unable to translate any Chinese document himself. But what are we to think of a writer, who authoritatively informs his readers, within the compass of a quarter of a page, that Prince Kung was named Prince after the *coup d'état* in 1861; that Prince and Prime Minister are synonymous terms; that there is a Prime Minister in China; that the function of the "*Chün-chi-ch'u*" is to advise the Emperor on all public matters; that, on the *coup d'état* against Prince Kung in 1865, he was mainly denounced for disrespect towards the Empresses; that he was deprived of his title and position of "Prime Minister"; that Prince Septimus is the chief of the "Ministers of the Presence"; that the "Ministers of the Presence" constitute the highest in rank and most powerful Government-Board in the Empire; that the "*Chün-chi-ch'u*", when public affairs are on a proper footing is the real governing body in the Empire; that that body consists at present of four Members, of whom three are Members of the Tsung-li Yamén, *viz.*, Prince Kung, Wén-S'iang, and Páu-Yün (so that the Tsung-li Yamén would at present be the real governing body in the Empire, although, as the writer himself observes, "since 1865, he—Prince Kung—has not been a person of much power in the palace")? All this forms

the cosmical facts, that the Universe is the *living* Creation of the Living God; that, what man terms *Space*, is its material *unagglomerated* or *unitary* portion, as distinguished from its material *agglomerated* portion i.e. the *heavenly Bodies*; that both portions viewed as units, vastly differing in volume, perfectly equal in mass, are in a constant state of equilibrium the one with the other,¹ while in a constant state of mutual transition, the one from and into the other; that, gravity or weight being nothing but a state of disturbed equilibrium,² the cosmical bodies, as such, being in a state of perfect equilibrium in and with space, possess no cosmical gravity or weight whatever;

absolutely one mass of error and absurdity; and the article abounds in assertions betraying a similar ignorance of Chinese State-matters.

Our present concern, however, is with the following passage. "The last we heard of it (the Peking College)"—the writer states—"was an action in the Supreme Court of Shanghai by a German professor of astronomy and mathematics, who disputes the truth of the Newtonian theory, brought against Mr. Hart, the Inspector-General of Maritime Customs. Mr. Hart, for his misfortune in this case, happens to be a British subject, and therefore amenable to British juries in Shanghai, which do not enjoy an unquestioned reputation for impartiality where the Chinese Imperial Customs or Government are concerned. The action was for indemnity on dismissal, his services having been found, at the end of two or three years, wholly unavailable to any useful end; and the jury gave him heavy damages—the real defendants of course being the Chinese Government. Whether the Privy Council will confirm the judgment on appeal remains to be seen". That these words are slanderous and actionable at law, there can be no doubt; for, they are essentially *wilfully untrue*, dictated by malice, and evidently written with the intention and in the hope (however foolish) of influencing the decision of Her Majesty's Privy Council against the Professor. It is untrue, that the real defendants in the case are the Chinese Government: the action having been brought against Sir Rutherford Alcock's friend, the Inspector-General, *personally*, for slander and wilful misrepresentation. The "Chinese Government" have not so much as heard of the case, and are not likely to hear of it until, in *due* time, it shall be laid before them at the Professor's instance. It is untrue, that the action was for indemnity on dismissal: it was, as just stated, for slander and misrepresentation. It is untrue, that British juries in Shanghai enjoy a questionable reputation for partiality where the Chinese Imperial Customs or Government are concerned: the case in question being the *first case* of the kind, ever brought before a British jury in Shanghai or elsewhere in China. It is untrue, that the jury gave the Professor heavy damages under the (erroneous) impression, as implied by the writer, that the real defendants were of course the Chinese Government. It is untrue, that it was Mr. Hart's misfortune to be a British subject on this occasion, and that, as implied by the writer, the jury by their verdict showed any partiality in the *Professor's* favor: the reverse was the fact, and, had Mr. Hart been *f. i.* a German subject and amenable to German law, his "misfortune" might have sat somewhat more heavily upon him. It is untrue, that the *Professor's* services had been found, at the end of two or three years, wholly unavailable to any useful end: his services, in the absence of both College and Observatory, having never been put into requisition. It is untrue, moreover, that the Professor is a German Professor: though German by birth, he is—and the writer knew it—by naturalisation an Englishman. It is, properly speaking, untrue that the Professor (simply) "disputes" the truth of the Newtonian theory:

that every cosmical body, having sprung from a germ and gradually expanded itself in space, has displaced in space a volume of space equal to its own volume;³ that, on the surface of every cosmical body, that body's expansive force and the repulsive force of space are, necessarily, in a state of perfect equilibrium; that the phenomena of free-falling and free-pending bodies depend on the gravity of *space*, and obey the laws of that gravity, altogether different from, and independent of, the *corporeal* gravity of bodies, proportionate to the quantity of unitary matter concentrated in them, and resulting from the tendency of the

he has already, on the ground of recognized empirical facts, by strict logical and mathematical reasoning, *proved* it to rest on error; and those proofs, he doubts not, will in time, whether sooner or later, find acceptance. What connection, however, there exists between the Newtonian theory and the merits of the law-suit in question: he confesses to be unable to discover. If the writer be as little acquainted with Astronomy as is Sir Rutherford Alcock, the Law of Universal Gravitation will hardly derive stability from his support. At one of the receptions at the British Legation at Peking, the late Minister asked the Professor: Whether the causes of an eclipse of the Moon were known to Modern Astronomy? and on the Professor *looking* astonishment at such a question, His Excellency, in his usual Rhodes-colossus style, replied: he, really, must admit his ignorance of matters of *that* kind.

It appears to us, that the writer of the article, here animadverted upon, would have done well to take warning by the ugly case of *Moss v. ALCOCK*, in which, after the action of Sir Rutherford Alcock—who was then Mr. Alcock, Consul-General in Japan—had been discovered by the British Government, a British jury of Hong-Kong condemned him to pay such damages as the Law would allow ("Seizure by the Japanese of Mr. Moss and his Treatment by the Consul-General", London, Ridgway, 1863, pp. 203, 8vo.). Under any circumstances, and with the decision of the Privy Council in the Professor's case still pending, be the writer of "Chinese Statesmen and State Papers" who he may: no English gentleman, no honorable man could, in our judgment, have stated what, in the passage quoted, he has stated; and we feel confident that the Editor of *Fraser's Magazine*, Mr. Froude, on his attention being called to this note, will consider it due to himself and the character of the periodical committed to his charge, to take the earliest opportunity of rectifying the slanderous mis-statements and untruths, to which, unconscious of their character, he has given currency.

¹ This principle of Cosmical or Universal Equilibrium, resting on observed concrete facts, and which, in combination with other elements, will in a new "System of the World" have to replace the principle of Cosmical or Universal Attraction or Gravitation, at variance with observed facts, will have to be regarded, we are inclined to think, as the fundamental principle of Cosmology and Physical Astronomy in future.

² The definition here given of "weight" or "gravity", and the correctness of which will hardly be questioned, would of itself suffice to upset the whole Theory of Gravitation.

³ Hence that spherical stratum of condensed space, surrounding every cosmical body, which we term its *atmosphere*. The observed height of the atmosphere of the Earth, and the laws which govern the phenomena of free-falling bodies, fully confirm the theory. It follows by no means that the atmosphere of every cosmical body should contain vapours.

cosmical body to maintain its equilibrium by means of its parts; that the so-called "point of gravity", or, more correctly speaking, the zero-point of gravity i.e. of non-equilibrium, of any cosmical body, being in a state of equilibrium with itself and with space, *necessarily* coincides with its centre; that all normals to the surface of any cosmical body, being in a state of equilibrium with itself and with space, prolonged, *necessarily* intersect each other in that body's centre; that, in the case of the Earth, they do so as an observed fact;¹ that the *radius vector* of any cosmical body to any given point on its surface is proportionate to the square of the length of a pendulum beating seconds at the given point, and to the fourth power of the number of vibrations, made by a constant pendulum in a given space of time at the given point;² that between systems and systems of cosmical bodies, floating in space, there is taking place, within given limits, a constant mutual action, attended with the development of galaxial light, and which is the condition of cosmical vision; that between the primary bodies of a subordinate solar system and its secondary bodies there is taking place a constant mutual action,—assuming the form of obtuse cones,—attended with the development of solar, planetary, lunar, and cometic light,³ the condition of corresponding cosmical vision, and productive of all the phenomena of atmospheric heat, of cosmical electricity, and of cosmical magnetism, in the individual bodies composing a solar system; that all cosmical bodies, as such, are cool and non-luminous bodies; that the radiancy of our Sun is a purely optical phenomenon; that the atmospheric heat of secondary bodies is not transmitted to them from the primary, but, resulting from, and attending, the mutual action going on between both, emanates from the secondary, in

¹ The fact is proved by thousands of the most accurate astronomical observations, made in both hemispheres.

² These new laws of the pendulum for the first time show the results of pendulum-experiments to be in perfect harmony with the results of geodetic operations. See a paper on "The true figure and dimensions of the Earth" in the "North-China Herald" for March 29, 1870.

³ "Light" is an abstract term,—a pure abstraction. There exists no such a thing as *light*. To speak of "the velocity of light" is consequently a simple absurdity. Besides, the space-penetrating velocity of a single rush-light differs greatly from that of a dozen wax-lights, as the latter does from that of a hundred jets of gas, and this again from a powerful electric light. Cosmical light, moreover, is not the result of *combustion*. The effects of the processes are similar; their nature essentially different.

⁴ See the paper, already cited, in the "North-China Herald" for March 29, 1870, and another paper "On certain fundamental errors (of calculation) in Newton's *Principia* relative to the figure of the Earth" in the same periodical for March 15, 1870. In modern Astronomy, the equatoreal circumference of the Earth is taken

the direction of the primary, body; that the polar axis of the Earth is its major axis, i. e. that the Earth is, not an oblate spheroid, but a prolate ellipsoid, of revolution; that the polar eccentricity of the Earth is $1 : 95$, nearly;⁴ that all cosmical bodies revolve in perfect circles and, equal distances being described in equal times, with uniform velocity in their *true* orbits, as referred to the travelling centre of such orbits; that the *apparent* orbit of all secondary bodies of the solar system, as referred to the centre of their respective primary, occupying an excentric position in that orbit, is a cyclo-ellipse, the *radii vectores* of which, at any given moment, are to the radius of the true orbit in the inverse proportion of the apparent diameter of the body, at the given moment, to its *mean* apparent diameter; that the *apparent* velocity of the uniform orbital motion of any secondary body about its primary, at any given moment, is inversely proportionate to the *radius vector* of its apparent orbit at the given moment;⁵ that the axis of rotation of the Earth maintains its parallelism in space; that our solar system, i. e. our Sun, accompanied by all the planets, moons; and comets revolving in the same direction around him, revolves, in the opposite direction, about a point in space, in a vast circle and with uniform velocity amidst the surrounding suns of the inner cluster of our galaxy, similarly revolving; that the solar year or period of revolution of the solar system is $25,800 \pm \frac{1}{2}$ terrestrial years, and its annual progress in arc $50''.2$, nearly; that the inclination of the solar orbit to the plane of the terrestrial orbit is approximately 5° ; that the radius of the apparent circle described by the solar system among the stars, as referred to the (travelling ?)⁶ celestial pole of the orbit, is about $16 \pm 1^\circ$;⁷ that the orbital linear velocity of the solar

at no less than about one hundred and sixty-seven English miles in excess of the truth.

⁵ The simple fact is, that Modern Astronomy has neglected to apply the recognized laws of perspective to the theory of celestial motion. In the case of the Earth, taking the uniformity of its rotatory motion for granted, its perfectly circular and uniform orbital motion is proved by the *constant* value of the so-called sidereal day, i. e. the interval of time elapsing between two consecutive culminations of the same star to the same terrestrial meridian.

⁶ It is more than probable, that not only the inner cluster of stars, of which our Sun is one, and forming, with "the Milky Way" surrounding it, a cosmical system, has a motion of its own, but that also "the Milky Way", and the whole system have such proper motions.

⁷ In Modern Astronomy, ignoring the orbital motion of the solar system, its appearance among the stars is ascribed to a physical conical gyration of the axis of rotation of the Earth about her centre, and, consequently, the radius is assumed to be $23^\circ 30'$, approximately, being the angle of the inclination of the ecliptic to the plane of the equator.

system as compared with the orbital linear velocity of the Earth, is approximately as 1 : 2.5 ; that the radius of the apparent circle described by the Earth revolving in its annual orbit, as referred to the travelling celestial pole of the orbit, is $20^{\circ}5$, nearly.¹ Engaged in maturing these and numerous other newly apprehended cosmical facts,² with the view of combining them into a system of Physical and Theoretical Astronomy, in all human probability destined to endure at least as many thousands of years as the Newtonian has lasted hundreds, the Professor of Astronomy,—having had to contend and contending against those claims of every-day life which almost invariably retard the progress of similar researches ; seduced by the promise of having all the resources, necessary to carry his scientific plans into effect, placed freely at his disposal ; and taken with the grand idea of the Regeneration of China, ascribed to the Inspector-General of Chinese Maritime Customs by his Secretary,—listened to the “flattering tale” of a false friend, who, when his first offer was declined, persisted that the Professor knew not *what* he refused ; painted to him in glowing terms the brilliant prospects and the wide field of usefulness and honors open to him, the vast schemes and almost omnipotent influence of Mr. Hart with the Chinese Government ; and led him to believe that Peking was still the magnificent city, described by Marco Polo and the early Jesuit fathers.

¹ We need hardly observe for the astronomical reader, that we are fully aware of the difficulties, which Bradley encountered in explaining the phenomena here in question, and which induced him to ascribe them to the “aberration” of light (comp. Note 3, p. 630, above.

² It will be observed that these facts, even so far as they are here indicated, form, assuming them to be founded in truth, a series of discoveries in Cosmology and Astronomy, unparalleled in history, and calculated to produce a complete revolution in the highest branches of Physical and Mathematical Science.

Among the many new perceptions not alluded to, there is one, insignificant in itself, which cannot fail to more deeply interest the general public, than all the others taken together. The details, connected with it, depend on a certain linear value, which has thus far escaped the attention of Modern Science, and remains to be determined by experiments. So much, however, we venture to state confidently, that that value will essentially modify all our views of cosmical distances, and *show the Earth to occupy a far more important place in our Solar System, than is at present assigned to her.*

³ The Professor had, at the time, every facility offered him to bring his views fairly before some of the learned Societies of London. It was on this ground that he, in the first instance, positively declined Mr. Campbell's propositions (8, 2). He had previously been in correspondence on the subject with the Home Government ; and Dr. Lee of Hartwell, then President of the Royal Astronomical Society, supported by Admiral Smyth and Mr. Layard, then Under-Secretary of State for Foreign Affairs, had undertaken “to see justice done to him”. The death of the two former gentlemen,

19. In consequence of the note, addressed on August 3, 1866, to Mr. Hart by the Professor of Astronomy (8, 2), the latter had on the following day a short interview with the Inspector-General, by appointment through his Secretary, who introduced the Professor, without taking part in the ensuing conversation, and left almost immediately. The Professor distinctly referred to the letter written by him; to Mr. Hart's great idea of the Regeneration of China; and to his having been entrusted by both the Chinese and English Governments with the foundation of a new College of Science and Learning at Peking. Mr. Hart tacitly acquiesced in these statements. To two points his special attention was called by the Professor. "I have made, or believe I have made", the latter told him, "discoveries, and pursued researches, in Astronomy, which I will relinquish only with my life; unless, therefore, ample means and ample leisure be given me in Peking to follow up and mature those discoveries, I would under no circumstances think of leaving Europe".³ Mr. Hart fully entered into these views;⁴ spoke of the establishment of a library, and a new Observatory, of which the Professor was to have the direction;⁵ and remarked, how singular, indeed, it would be were a new system of astronomy to emanate from China, and in connection with the (projected) College (or University).⁶ The second point, alluded to, was this. "I am no longer", the Professor

however, occurred soon afterwards. At the earliest moment after the Professor's return to Europe, the principal results of his investigations will be submitted to the learned world.

⁴ This is clearly proved by Mr. Hart's private letter to the Professor, dated Lisburn, August 15, 1866, in which he, though with calculated reserve, caution, and duplicity states:—"Of course years must elapse before any Class of Chinese students would be sufficiently far advanced to understand or appreciate the difference between your views and those entertained by other scientific men; what the Chinese Government will, of course, expect you to do, will be to teach simply that which now finds general acceptance in the scientific world". This the Professor refused to accede to. He insisted on teaching his own system; but agreed to explain the differing views prevailing in Europe generally, and to point out the errors on which they are based. In China, by-the-bye, the Newtonian theory has never been received. "You will have, however", Mr. Hart's letter continues, "abundant opportunity for ventilating your own views, and for prosecuting researches, from which interesting results may be looked for; and I trust that your sojourn in China may prove agreeable to yourself, and useful to the world at large".

⁵ This is virtually proved by the Professor's letter to Mr. Hart of January 28, 1867, and Mr. Hart's letter to the Professor of October 25, 1867, to both of which we shall revert.

⁶ Mr. Hart used the term "College" invariably in that of a University. Indeed, no other institutions do possess professorial "Chairs". He regarded the Professor as "a man of genius" (his letter of October 20, 1869).

submitted to the Inspector-General, "a young man; and my health is none of the strongest: what about the climate of Peking?" Mr. Hart assured him, that it was excellent; notwithstanding the severity of the winter, the cold, on account of the prevailing calmness and dryness of the atmosphere, was not felt;¹ and although, in the height of summer the thermometer rose to 90° Fahr., the great heat lasted but a fortnight, and was always tempered by intermittent showers of rain.² He said not a word of the real condition of "the Northern Capital", unequalled for discomfort, filth, dust, and an abundance of anti-sanitary provisions, probably, by any other city in the world; nor of the great mortality prevailing even among its European residents.³ He stated that the courses of lectures on Astronomy and Mathematics were to be delivered in English; that the students would consist exclusively of native *scholars*, who had taken high degrees; but, since a year might be required to get the College into fair working order, that it would be desirable for the Professors to profit by this interval to study Chinese, with the view of explaining any difficulties to the students in their own language;⁴ and observing in this connection that "at first it would be somewhat up-hill work",—a remark, which could apply only to the imperfect acquaintance of the native scholar-students with the idioms of a foreign tongue. The subject of salary was mentioned neither then, nor at a still shorter interview on the 8th of August, Mr. Hart, who had only just returned from Paris, being much pre-occupied with domestic preparations of an interesting nature, and on the eve of leaving for Ireland. It was his Secretary, Mr. Campbell, who acted as the medium of communication in regard to this point (8, s). He also, at the same period, stated to the Professor, that Mr. Hart, feeling some scruples on account of his anti-

¹ The thermometer falls in Peking occasionally to below zero Fahr.; the cold is intense; the winds are cutting; and sand-or dust-storms even in winter not unfrequent.

² During the first summer of our stay in Peking, the thermometer rose on the hills at Pa-ta-chu to 110° Fahr.—in the shade, of course. The usual maxima range between 102° and 108° in the day, the heat subsiding at night to 85° and 80° or, after thunder-storms, to 65° and 60°, in the height of summer from the second week in July to the third week in August, both inclusive. The climate is, perhaps, not unhealthy; but trying to a degree. A regular sand-storm, in summer, is perfectly suffocating.

³ The prevailing disease among Foreigners in Peking is typhus fever. The annual mortality, during our stay, amounted to 7 or 8 per cent., inclusive of children.

⁴ Mr. Hart must have known, and knew, perfectly well that, in the course of a single year, no one is able to acquire a sufficient knowledge of the Chinese language, to render it useful for scientific explanations; and that the latter necessitate a previous study of the history of Chinese Astronomy and Mathematics from native sources, which it would take a score of years to accomplish, he should have known.

Newtonian views, requested testimonials. The Professor pointed to his published works. "If Mr. Hart", he told his Secretary, "wishes the Newtonian theory to be conveyed to the Chinese, I would advise him to appoint a younger Professor, who will repeat what he has learned; if he wishes Astronomy to be taught, let him look about in England or elsewhere, and, if he find a better man, by all means engage *him*". Finally, the Professor was prevailed upon by Mr. Campbell to satisfy Mr. Hart by the perusal of some papers, and to write to Mr. Layard, the then Under-Secretary of State for Foreign Affairs, for a letter of recommendation.⁵ On the 11th of August he again went to call on the Inspector-General, for the purpose of handing to him those papers, and to speak to him respecting salary.⁶ Mr. Hart was not at home at the time, and left town the same evening. On the 15th of August, he sent to the Professor his letter of appointment from Lisburn (8, 2), accompanied by a private note, containing deceitful assurances,⁷ which he never can have meant to fulfil, as is proved by his subsequent conduct ever since the Professor was fairly *en route* for Peking. What aggravates that conduct is, that, in his reply of the 17th August, the Professor stated to Mr. Hart: he received the assurances, alluded to, with the greater satisfaction, as *it was chiefly on the ground of his personal confidence in him* (Mr. Hart), *that he* (the Professor) *accepted the appointment*.

20. Within six weeks after his arrival in Peking, the Professor of Astronomy, beginning to see how grossly he had been deceived in regard to "the New Chinese University", and already then anticipating the complete failure of Mr. Hart's schemes in connection with it, felt doubtful as to the course he had better pursue; and, therefore, about the commencement of January, 1867, applied to the British Minister, Sir Rutherford Alcock,

⁵ Mr. Layard being, at the time, absent from England, his letter arrived after the appointment had been made by Mr. Hart, but was nevertheless forwarded to him.

⁶ Mr. Campbell having told the Professor that, for special reasons Mr. Hart wished the same sum of £600 a year to be introduced into the letters of appointment of all the Professors, but that in his case it would be so *for mere form's sake* (comp. p. 307, Note 3): when the Professor found it vaguely said in the letter of appointment, that his salary was "to commence at" the rate named (8, 3), he perceived in this a full confirmation of Mr. Campbell's statement.

⁷ The letter (p. 633, Note 4, above) concluded in these terms: "Personally I hope for much enjoyment from your society at Peking, and, while under my orders there, you may always rely upon finding in me a friend and well-wisher". The expression "while under my orders there" certainly struck the Professor, but he naturally attributed it to a mere slip of the pen, as Mr. Hart, amidst his various preoccupations, might have for the moment imagined that he was addressing a Custom-house clerk. He had never so much as hinted, that he was to have any connection whatever with "the College", save that of originator.

for advice under the circumstances, *stating it to be his wish to return at once to Europe*. That advice was freely given. Sir Rutherford Alcock, equally complimentary to the Professor and the Inspector-General, spoke in the highest terms of the latter, pointed out the difficulties in his way, and recommended the Professor to have patience and to remain. The Professor assured Sir Rutherford, that he would with pleasure follow his advice; yet, if he were to stay, that he could do so on certain conditions only.¹ This conversation would seem to have come to Mr. Hart's knowledge; for, a few days afterwards, he requested the Professor to draw up a memorandum respecting the future conduct of his department in the projected College. The Professor profited by this occasion, to submit to the Chinese Government through Mr. Hart, *whom he always and simply regarded as a medium of communication*,² what, in the form of propositions, were really the conditions on which he made his stay dependent, namely: that the new Observatory, on the plan and with all the appurtenances proposed by him, be erected without delay; that a department for meteorological and magnetic observations, a complete library, and a printing-press be incorporated with it;³ and that the course of lectures on Astronomy be delivered, not in the projected College, but in the Observatory, which was to include also the residence of the Director:⁴ so that the latter, who under this arrangement would necessarily have to be relieved of the Chair of Mathematics, *should*

¹ This is essentially acknowledged in a letter of November 8, 1869, which, by the directions of Sir Rutherford Alcock, the Secretary of Legation Mr. Fraser addressed to the Professor; although the plain facts of the case are there, in Sir Rutherford's equivocating and evasive manner, more or less modified. They were however, some time after the conversation had taken place, circumstantially repeated to Sir Rutherford Alcock in his own Cabinet and distinctly admitted by him, in the presence of the Russian Minister General Vlangali. The climate of China, which would seem to have somewhat impaired Sir Rutherford's memory, has not had the same effect on the Ambassador of Russia.

² That Mr. Hart, despite of his pretensions, was nothing else, will be shown further on. In fact, the Professors had no other means of communicating with what, at the time they believed to be the Chinese Government, *viz.* the Tsung-li Yamen; and their choice was Hobson's choice.

³ Full details were furnished to Mr. Hart by the Professor. The estimates of the primary cost of the Observatory, proposed to be erected on a moderate scale, amounted, exclusive of the buildings and the library, to Taels 23,000, or less than £7000 stg.

⁴ These two propositions, accepted by Mr. Hart in the name of the Chinese Government, namely, that the courses of lectures on Astronomy were to be delivered in the Observatory, and that the latter was to include the residence of the Director, we do not find contained in Mr. Hart's copy of the Professor's letter to him of January 28, 1867, which, *instead of the original*, was handed into the Supreme Court of Shanghai at the trial on April 13—14, 1870, of which we shall presently speak.

cease to be in any way connected with the contemplated University, except in name only. The Memorandum, under the circumstances of the case assumed the form of a letter, dated January 28, 1867, to Mr. Hart, by him to be submitted to, because written for the information of, the Chinese Government.⁵ There is reason to doubt, that, in writing, it was ever communicated even to the Tsung-li Yamên. About the middle of February, however, the Inspector-General "officially", but verbally, informed the Professor, *that every one of his propositions had been granted by the Chinese Government*, and that he was entrusted with the Direction of the Observatory. On the Professor remarking, that, together with the Direction of the Observatory, it would be irreconcilable with the efficient discharge of his duties to hold also the Chair of Mathematics, and suggesting that he be relieved of it:—"I have already", Mr. Hart replied, "anticipated your wishes in this respect, and appointed another Professor of Mathematics". The new Professor, alluded to, was another countryman of the Inspector-General's, an accomplished Irish gentleman, then studying medicine at home, and who arrived in the following summer; but, having reached Tientsin, was "ordered" back to Shanghai, and subsequently induced—it is said by unfair means—to exchange his appointment for one connected with the Customs-Service.⁶ In the evening of the same day, on which this agreement was entered into between Mr. Hart on the part, as he pretended, of

Neither the original nor a copy of the "annexed statement, accompanied by explanatory remarks" (21, par. last but two) is added to the letter. Why the copy of the letter was substituted for the original, and the annex omitted altogether, we know not.

⁵ After frankly explaining his views, the Professor remarked: "I naturally desire to discharge my duties in harmony with my honest opinions, which, therefore, *should not be concealed from the Imperial Government and yourself*". See below.

⁶ The proofs of the Professor of Astronomy having, at this time and with his own free consent, been relieved of the Chair of *Mathematics* are numerous. In the first place, there is in Mr. Hart's letter to him of October 25, 1867, in which every one of his relations to the projected University, including the projected Observatory, is reviewed, no longer any allusion made to his mathematical duties. Then, there is Mr. Hart's correspondence with his successor, and the appointment of the latter to a Chair, combining with Mathematics Natural Philosophy. Further, there is a paper in Mr. Hart's own handwriting, furnished by him to Dr. Martin, as the then newly appointed Head-Master of the T'ung-Wên-Kuan, in which the dates of the appointment and the subsequent resignation of the gentleman in question are put down. There is the fact of the appointment of the native Professor Li Shan-lan to the, thus once more vacated "Chair" of Mathematics. There is a letter from the Professor of Astronomy to Dr. Martin of November 19, 1869, stating the fact in question, and on the very ground of which Mr. Hart addressed a despatch of November 22, 1869, to the Tsung-li Yamên. And lastly there is the fact that, whilst Mathematics have been, and continue to be, taught in the T'ung-Wên-Kuan, by Mr. Hart designated also "the College", the Professor of Astronomy was never called upon to perform

the Chinese Government, and the Professor of Astronomy, now also "officially" charged with the Direction of the New Observatory, the latter had the opportunity of communicating the arrangement, just concluded, to the Foreign Ministers at Peking, who cordially expressed their satisfaction, Mr. Hart himself being present. In short, the subject became the general topic of conversation, for the evening, at one of the receptions at the British Legation.¹

21. To show the real spirit of the conversations between the Professor and Mr. Hart and his Secretary in England, and what impressions as to the College to be founded had been conveyed to him, we will quote the following passages from the letter in question, addressed to the Inspector-General, let it be remembered, within two months after the Professor's arrival in Peking, when he had as yet but faintly realized the actual state of matters, was as yet ignorant of *T'ung-Wên-Kuan* being the name of existing elementary schools of languages, and with his confidence in Mr. Hart just restored by the British Minister :—

If I rightly apprehend the intentions of the Imperial Government, this—the projected—College is destined not only to revive the ancient glory of Chinese learning, but to extend, moreover, by the infusion into it of Western science, the scope of that learning far beyond what it ever has been, even at the most brilliant epochs of its history. Four thousand years ago, when Europe was still wrapped up in ignorance and barbarism, no people among the Eastern nations could boast of a higher state of civilisation, than could the people of China. In the present day, whilst China has been stagnating or has gradually sunk back into a state of comparative ignorance, the sciences of Europe, both pure and applied, have gone on rapidly developing themselves, and reached what would almost seem to be the utmost expansion, which the human mind and intellect are capable of imparting to them. ...Already the great teacher of the Chinese races [Confucius] enounced the momentous truth, that it is on the extension of sound knowledge among the people that the happiness, the peace, and the prosperity of the whole Empire fundamentally and mainly depend. ...But, though the Sciences, on the part of a civilized nation, deserve to be cultivated for their own sake : yet, it is chiefly in their application to the development of the agricultural, industrial, and commercial resources of a country, that their

any duties connected with the Chair of Mathematics (nor any other duties), as proved by Mr. Hart's own letter of October 20, 1869, § 19.

¹ This is fully confirmed by Mr. Fraser's letter previously cited, page 636, Note 1, above, and the fact just related. What other reason, too, could Mr. Hart have had in relieving the Professor of Astronomy of the Chair of Mathematics, save his appointment to the Direction of the Observatory? This is implied also, in Mr. Hart's letter of October 25, 1867. It was again and again stated in the Professor's letters to Mr. Hart, and tacitly admitted. It is related in his letter to Dr. Martin of November 13, 1869, on the ground of which Mr. Hart wrote his despatch of November 22, 1869, to the Tsung-li Yamèn; and it was in virtue of the appointment itself that, since February 1867, the Professor urged his claim to a salary of at least £2000 a year, more and more strongly (Mr. Hart's letter of October 20, 1869).

importance makes itself most felt and really consists.² In the West, Science has, in the short space of time elapsed of the present century, on the one hand produced a revolution in antiquated notions and habits, inherited prejudices, and long-cherished errors, and, on the other hand, has created an amount of national enlightenment and industry, of wealth and comfort, such as the world has never witnessed before.

I may, consequently, presume it to be the desire of the Imperial Government, that the studies in the T'ung-Wên-Kuan³ be directed with a special view to practical utility rather than mere theoretical excellence; and the object, which I shall have to propose to myself, will be, not so much to instruct a certain number of students in Western astronomical and mathematical knowledge, as to form of the ablest among them Astronomers and Mathematicians, who, in their turn, are to assume the office of teachers, and thus gradually to disseminate the knowledge acquired, throughout the Empire.

In its actual condition, China appears to me, amidst a marvellous display of persevering and laborious industry, to present a vast field of wants and defects to be supplied, of capabilities and resources to be developed.

The material prosperity of a modern state has been found to rest mainly on three elements:—a good government, combining strength with enlightenment, justice with wisdom; the utmost development of its internal capabilities; and the greatest possible extension, free from all restrictions, of its commercial intercourse with other nations. ...

In China, whilst the population of the Empire has gradually increased, so as to comprehend, as it now does, nearly one third of the human race, its commerce and industry have been allowed to stagnate. In the Capital itself, which, as the seat of government, must be regarded as the country's heart, the signs of ruin and decay meet the eye in all directions. Poverty and filth appear everywhere in their most hideous forms. The city possesses neither sewerage, nor those reservoirs of water and light, which constitute two of the most effective elements of public health and security in the towns of Europe. It is not even paved. Macadamised roads and railways, the principal veins through which a Western metropolis sends the pulsations of life into the remotest extremities of the state, have no existence. The electric telegraph, connecting as it does the ends of space, and bringing the farthest limits of the Empire to within a speaking distance of the Sovereign's Council-Chamber, has yet to be introduced. No Imperial postal-service, than which few institutions are of greater importance to the public at large as well as to the Administrative Government, has been organized. Machinery of any kind, by which the power of labour and industrial productiveness is multiplied almost without restriction, is unknown. A National Coinage and a National Bank, which serve so greatly to facilitate, to resulate and to control, the internal intercourse and the financial operations of a people, have yet to be created. The science of

² There existed a fundamental difference of view regarding the objects of the proposed University between the Tsung-li Yamén and the Professor; the former restricting them to anti-foreign military purposes, with the view of restoring China to, and maintaining her in, a state of isolation and stagnation; the latter desiring to exclude the military element altogether, and to see Science become the medium of extended peaceful relations between China and the West; of the development of the internal prosperity of the country; and the moral regeneration of its people.

³ At this time, the Professor was as yet unaware of the schools of languages, attached to the Tsung-li Yamén, being designated by the name of *Tung-Wên-Kuan*. He continued under the impression that "T'ung-Wên-Kuan" was to be the name of the new University, and, therefore, speaks of it as "the College to be founded", and "the projected College".

Navigation is scarcely understood. No merchant fleet of native-built vessels deserving of the name, is seen to float on the vast expanse of the Chinese water. Those mines of coal and iron, from which, directly or indirectly, England has mainly drawn her unexampled national wealth, are here consigned to neglect. Here, the value of gold, which has added in so wonderful a degree to the riches of the United States, of Australia, and other countries, is unappreciated. Even the silver mines are worked in but a rude and imperfect manner.

Yet, no land on the face of the Earth possesses greater mineral and agricultural resources; greater productive and industrial capabilities; a greater supply of native talent and cheap labour; a greater extent of coast, teeming with hardy and able seamen; a greater number of ingenious, clever, patient, and industrious mechanics, than does China. All the elements of the highest prosperity are its own. ... Why, then, remains this a thing still to be accomplished? Solely, it appears to me, because China has for centuries past left unheeded the warning of her illustrious Master, that the extension of knowledge is the condition of national prosperity. With greater truth even than in the days of the Chinese sage, it may be said in our time that "*Knowledge is Power*." The Western World has achieved its greatness, its influence, and its wealth by Western science, supported by Western enterprise, alone.

Unless I be mistaken in these views, the Imperial Government, in determining on the introduction of Western Science into this country, *has aimed and is aiming at nothing less than the regeneration of China, and that it is with a view to the final accomplishment of this great idea, first conceived and proposed by yourself, that the College of Tung-Wén-Kuan is to be founded.* But, if so, it will have escaped neither your own judgment nor the wisdom of the Imperial Government, that the realisation of so vast a project will demand corresponding means. It must be borne in mind, that not only has a fresh impulse to be given to the learning of this country, but that its whole course will have to be diverted into another channel; that the new College, if it is to effect its mission, will ultimately have to absorb the existing institutions, and that the subjects taught in the latter and which now embrace the entire scope of Chinese education will have to form but a subordinate branch of the future scheme.

For this reason, it will not suffice gradually to extend the College so as to include within its precincts Chairs for all the more comprehensive divisions of Western Science: it will be indispensable to erect Chairs for each special division and subdivision. Science has become so expanded, that few men possess a thorough knowledge of more than one single branch. To men of genius alone it is given to grasp and master a wider domain; and such men are rare. But, whatever of Western Science is introduced into China should be thorough and sound, and superficial knowledge be carefully excluded from an institution, *which is to be the cradle of this country's new-born civilisation.* It is the gift, not of Error but, of Truth, which the East expects from the West.

It would, therefore, be further necessary to have the Chairs in the new College occupied by men, if not of eminence, at least of known ability and public standing in the learned world,—men, less distinguished for their orthodox opinions, than for their common-sense, their clear perception, their sound knowledge, and their sober and independent judgment; above all, honest men of science, who would not leave their own country with selfish or speculative ends in view, but who are willing to make the sacrifices, involved in an invitation to China, for the cause of its civilisation; to devote, if necessary, their whole lives to that cause; to identify themselves entirely, as you yourself have done, with the interests of the Chinese Government,¹ and be content to receive no greater reward than the means, necessary to enable them to surround their families with the European comforts to which they have been accustomed, to pursue their

¹ The Professor should have written: "with the *true* interests of the Chinese Government", and omitted the sentence: "as you yourself have done". He did not

private studies for the public benefit, and to effectually carry out the plans, in which they are called upon to participate. This is the most which a true man of science will expect: this is the least, which the Imperial Government can in justice offer to him.

Finally, it will be necessary to assemble around the Professors of the College younger and less experienced men, to fit the students for the courses by private tuition; to establish preparatory schools, in connection with the College, for the same purpose; to give to the College itself a perfect organisation, analogous to the organisation of similar European institutions; and to secure its enduring existence, efficacy, and usefulness, by placing it in every respect on a solid and permanent basis.

On the other hand, it is obvious that an enterprise of this nature does not admit of being hastily matured, but requires not an inconsiderable space of time for its realisation. The great aim contemplated, however, should be steadily kept in view, and acted up to from the commencement. *If this be neglected, or if the Imperial Government should have designed a less comprehensive scheme, than I have imputed to its wisdom; or be unprepared to grant to the larger scheme its full support, and to carry it into effect by every means at its disposal: the new institution, in my judgment, will prove but an ephemeral experiment, and, at the best, leave no trace behind, save that of a failure tending to impair, rather than to benefit, the cause of Chinese Civilisation; and to weaken, rather than to strengthen, the Imperial Government.*

Since I was desired to submit to you my views solely in regard to my own department in the projected College, I have, perhaps, to apologize for prefacing them by the foregoing observations of a more general character; but, as I offer the latter from a deep conviction of their truth, and could offer them, I venture to think, without presumption, I have considered it right to do so: partly, because I naturally desire to discharge my duties in harmony with my honest opinions, which, therefore, should not be concealed from the Imperial Government and yourself; partly because they will serve to place the following suggestions respecting the conduct of the studies of Astronomy and Mathematics in a clearer light.

Astronomy is, and not altogether improperly so, termed "the Queen of Sciences." In this country, it has been cultivated and held in honor from the earliest times. *The ancient Astronomers of the Imperial Court ranked with the highest dignitaries of the State.* Indeed, the entire organisation of the Chinese Empire may be said to rest on an astronomical basis...At all times, in fact, has the Science of Astronomy been revered above any other branch of human knowledge...But, Astronomy is essentially of a practical nature. While the theoretical systems of Astronomers vary, the celestial phenomena of Nature vary not. Their true explanation, and a knowledge of the true laws, by which they are governed, can be derived only, by continuous study, from the results of continuous, accurate, and perfected observations. Hence, for the revival of the study of Astronomy in China, *the foundation of a new Observatory, furnished with all the necessary instruments and appliances of Modern Science, will be an absolute necessity.*

The practical Astronomy of the West has at the present reached almost the limits of human perfection; and by the generosity of European Princes, Observatories have been created in their states, which, for completeness and efficiency leave nothing to desire...Even were the Imperial Government of China disposed to incur the cost of a similar establishment, I would respectfully suggest that at first and for years to come at least, it should be limited to far more modest proportions, [as compared with the Observatories at Pulkowa and Greenwich]; that the Observatory itself should be built on such a plan as to

then know, that Mr. Hart had no immediate connection whatever with the Chinese Government, and was only a servant of the Tsung-li Yamén.

admit of a consistent gradual extension, if an extension be deemed advisable hereafter; that it should be mounted only with the instruments, and furnished with the additional requisites, necessary for its efficient working; and that its sphere of action should be *restricted to certain well-defined objects*.

These objects I conceive to be of a twofold character; in as much as the Observatory, in my judgment, should not only be devoted to the immediate ends of astronomical science, but should, and at first more especially so, be made to serve as a school, connected with the College, designed to *perpetuate and naturalize in China the Western Science of Astronomy, both theoretical and practical, through the instrumentality of native talent*. ...

Assuming, then, the Director of the Observatory to have the support of two European assistants. A department in recent times invariably incorporated with an Observatory is that of Meteorology and Terrestrial Magnetism. ... Another important and *indispensable* addition to the Observatory will be an astronomical library. ... It is from the past history of a Science alone, that a true insight into its principles, its merits, and its defects can be obtained, and lessons learned for its future improvement. ...

A great and serious difficulty, however, appears to me to present itself in the medium of conveying and receiving instruction. *I have been engaged by you to hold my course of lectures in English.* Are the students, who are likely to attend the lectures, sufficiently master of that language, to listen to me with the smallest prospect of being able to follow the thread or even to seize the meaning of, and to profit by, my discourse and tuition? At least the majority of the expected pupils, I am given to understand, are as yet thoroughly unacquainted with any but their own idiom; and it is my conviction that, as a rule admitting of but rare exceptions, no Chinese will succeed, except by a protracted residence in foreign countries, to acquire a foreign language to such a degree of perfection as is *indispensably requisite for the understanding a scientific lecture*, or even the reading a scientific book. ...

There has, connected with the difficulties just alluded to, occurred to me another point, deserving of serious consideration. Before undertaking to teach to the Chinese the astronomical and mathematical sciences of the West, should we not first inquire into the state of their own knowledge of these sciences, and inform ourselves of their views and speculations regarding them? From the little I have as yet been able to ascertain, it is certain that they possess works,—not merely translations from European languages, but works of independent thought, if not of independent research,—on those subjects, well worth studying. And there are many reasons, which appear to me to render such a study a matter not only of good policy, but almost of necessity, previously to the opening of the courses. ...¹

Having thus stated to you, freely and candidly though imperfectly, my honest view respecting the projected College, it only remains for me to submit to you an estimate of the cost, which the foundation of a new Observatory, *in connection with the College*, would involve. From the annexed statement, accompanied by such explanatory remarks, as I deem necessary, you will perceive that the sum total, required for the purpose, amounts approximately to twenty-three thousand taels.

In conclusion, permit me to say, that no one can more fully appreciate, than I do, the many and great difficulties, which beset your path in the attempt to introduce Western Science into this country; and, *PROVIDED I SEE MY WAY CLEAR to being of real use in carrying this momentous scheme into effect*, I shall

¹ It will be remembered, that the Professor had been called to China post-haste. The reason of his recommending delay in opening the courses of mathematical and astronomical lectures was, that the actual state of matters differed so utterly from what it had been represented to him in Europe.

most willingly waive every personal consideration and selfish feeling for the furtherance of so great an end.

If success attend your efforts, as I hope and trust it may, you as well as the eminent men who now so ably guide the foreign relations of this Empire,² will have merited well of the reigning dynasty, of China, of the world : and the consciousness of having taken a share, however humble, in the regeneration of a country, peopled by one third of the human race, would to me be a reward, greater than any other I could desire, or the Imperial Government has to bestow.

From these extracts, between which and the statements contained in the preceding article (20) as well as the whole anterior narrative, a perfect accordance will be noticed to exist, and viewed in connection therewith, it is plain, that the Regeneration of China had been, in Europe, held up to the Professor of Astronomy as the leading idea and object of the Chinese Government and Mr. Hart in proposing to establish a University for the introduction of Western Science and Learning into China ; that the Professor, unconscious of the meaning of *T'ung-Wên-Kuan*—surreptitiously introduced by Mr. Hart into his letter of appointment (8, 3)—and the existence, at Peking, of a language-school under that designation, had been led to believe, that “*T'ung-Wên-Kuan*” was the name of “the College to be founded”,—that “projected” New University of China, which “was to be the cradle of this country's new-born Civilisation”; that he had been impressed with the idea, that “the College” was intended for an educational institution of the very highest order, such as the Collège de France, and the Universities of Oxford or Cambridge, Berlin or Vienna, richly endowed and incorporated by an Imperial charter ; that he had been promised in England, together with a high position, an Observatory and a Library, because they are presupposed to form the indispensable elements of the Professor's “own department”, with the conduct of which he had been entrusted in, or “in connection with”, the projected College ; that he had been engaged to deliver, in English, courses of scientific lectures on Astronomy and Mathematics to native scholar-students, duly prepared to understand and profit by such lectures ; that he had been led to believe in England, that “the College” was a project, which had then been determined on by the Chinese Government ; that he held himself to be a servant of the Chinese Government, altogether and entirely independent of Mr. Hart ; that he regarded Mr. Hart simply as a medium of communication

² This opinion was expressed, too hastily, under erroneous impressions, conveyed to the Professor by men, in whose information and judgment he, at that time, placed confidence. He had been made to believe, as Mr. Hart would still have the world believe, that the Tsung-li Yamén is the Chinese Government.

between the Chinese Government and himself ; and that he expected Mr. Hart to submit, as a matter of course, his letter to the Chinese Government. And all this is tacitly and *de facto* admitted by Mr. Hart, who not only assured the Professor, that he highly appreciated his letter, and had perused it with great attention, not once but thrice ; but who, moreover, "officially" informed him that, in reply to it, the Chinese Government had granted all his propositions—by the concluding part of the letter itself shown to be conditions of the Professor's stay—, and, while relieving him, in compliance with his own suggestion of the Chair of Mathematics, appointed him to the Direction of the New Observatory. He, moreover, confided to the Professor that the Chinese Government had chosen for the site of the University-buildings the park-like grounds of the destroyed portion of the *Yüen-ming-yüen* ; and that the *tout ensemble*, including the Observatory, and detached residences and gardens for the Professors, was to form a magnificent pile of architecture, encircled by its own walls,—a scheme, to which the Professor of Chemistry alone demurred, on account of the distant and isolated position of the Emperor's former Summer-Palace.

22. Hearing no more from the Inspector-General, the Professor, after awhile, urged that a commencement be made with at least the preliminaries for the erection of the New Observatory, to which his future duties were now solely restricted, in the way of ordering the requisite instruments to be constructed, the purchase of books for the library, etc. He was told that the necessary funds were just then not available ; and Mr. Hart hinted that a year more, perhaps, might have to elapse before anything could be done. A year, the Professor replied, would be a long time for him to wait ; and expressed an earnest hope, that Mr. Hart would use his best influence with the Chinese Government to hurry matters. He promised. This was about the beginning,—it might have been the first—of April, 1867. In the succeeding month of June, the then French Minister assured the Professor, it had never been seriously intended that "the College" should become a reality ; and that the Professors, appointed by Mr. Hart, were only "for a given time and for a political purpose to figure, as so many sticks, on their respective Chairs". The Inspector-General vehemently denied the charge ; but, as "this great movement for education" (3) has played a somewhat prominent part in the "diplomacy" of the Burlingame Mission,

¹ A few weeks later, and not far from the same locality, the Interpreter of the then Prussian Legation, and a Student-Interpreter of the English Legation barely escaped with their lives under similar circumstances. They were hurled from their

which had already then been resolved on, and as "the New Chinese University", just when that part had been played, was made to relapse into the *Tung-Wên-Kuan* or "Language-School": the coincidence is, to say the least, a very singular one, and lends a high degree of probability to the statement of the French Minister.

23. Immediately after this, the Professor, with the knowledge and approbation of Mr. Hart, went to pass the hot season at the neighbouring hills. Because the miserable rooms, into which he had been forced or allured, in Crooked-Railing-Lane-Court, offered no safety for leaving valuables in them, and were open to the access both of the native servants and the disreputable characters whom, at night, they used to admit into the Court, the Professor, for greater security's sake, took with him, among other things, his manuscripts, *embodying the chief results of a quarter of a century's labours and calculations*. They filled two well-locked drawers of a stout Cantonese chest; and, together with his heavy luggage, bedding, kitchen-utensils, provisions, &c., were being conveyed by regular, experienced Pekinese carriers, on three waggons, accompanied by two of his servants, to Pa-ta-chu, when, on the road a thunder-storm overtook them. The waters, descending from the hills, happened to gush, a wild torrent, into a hollow road through which the carts were coming, and swept them away. Two mules were drowned, and one of the drivers with difficulty restored to life. What the flood spared, the country-people robbed or destroyed. The Professor, who had preceded the baggage and arrived at the temple, (in which he had hired a set of apartments,) before the tempest broke out, succeeded, accompanied by two gentlemen who were residing at the same temple, in reaching, not without great difficulty, the scene of the disaster, and in saving a portion of his property, more or less spoiled. Nearly the whole, however, of the MSS, private papers, medals, and relics, were, and to a great extent irreparably, lost,—lost within twelve English miles from the Capital of "the Great Ching Empire of the World",¹ in consequence of the neglected state of the roads, and through the dishonesty of the natives. Every one sympathised with the Professor, except the Inspector-General of Customs.

24. On the Professor's return to Peking, he had, at the commencement of September, 1867, a somewhat animated conversation with Mr.

ponies by a sudden torrent of waters, the ponies carried away, the despatches, which the Interpreter carried, lost, and but for the opportune assistance of Europeans, who happened to be near the spot, both gentlemen must have perished.

Hart on the subject of the Observatory, and, it being intimated by him that yet another year or two might have to elapse before the project could be started, the Professor suggested : whether it would not be better for him to return to Europe ? at the same time telling Mr. Hart plainly, that he (the Professor) had lost all confidence in him. In fact, so far as the College-scheme, as a means for the Regeneration of China, was concerned, he had by this time ceased to regard it in any other light, save that of a hallucination or a swindle, and hazarded the opinion, that Mr. Hart had been somewhat *too sanguine in hoping* for its success : whereupon the Inspector-General produced a manuscript volume of his, containing elegant extracts and neatly-written "maxims", to prove to the Professor the contrary ; exclaimed, while striking the maxims and the table with his clenched fist, "*it shall succeed*" ; and by his apparent earnestness once more reassured the Professor. Soon, however, the latter saw occasion to return to the charge, and urged that, at any rate, his salary be definitely fixed at £2,000 a year, and, in order to show that the Chinese Government really meant what it professed, —*the two memorials of the Tsung-li Yamên, previously communicated* (10, 11), *were as yet, and remained until the latter end of 1868, unknown to the Professor*— a commencement be made in collecting a library ; which was virtually acceded to. A list of works, the estimated cost of which amounted to about £700, was therefore presented to Mr. Hart, who remarked, that the Professor had but anticipated his wishes ; as he was just then, however, particularly occupied, that he would look the list over in a day or two. But, instead of the sanction of the Chinese Government, the Inspector-General transmitted to the Professor the following letter on his own behalf :—

¹ The question was not one of "making changes", but of *fixing* the Professor's salary, in accordance with his position and the promises made to him. It would appear, however, from the sequel that, on some mysterious principle, Mr. Hart looks upon those promises as *un-official* promises, which "officially" he does not consider himself "bound", or does not "feel justified", or "authorized, to carry out". *Comp. above*, p. 607, Note 3.

² For "the haste originally intended", see above, p. 607, and note 5. The term "*Without delay*", in Mr. Hart's vocabulary seems to have a very elastic significance: first he draws it out into one year, then into two years, then into two or three more years i.e. into four or five years, and here into seven or eight years to come i.e. into eight or nine years. At this tremendously increasing pace it was manifest, that the Observatory was being hastened on to the Greek Kalends.

³ Connecting this paragraph with the letter of the Professor of January 28, 1867 (21), it is here distinctly admitted by Mr. Hart, that the immediate erection of an Observatory, of which the Professor was to have the direction, had been agreed upon. The same remark applies to the Library.

Peking, 25th October, 1867.

During the last week, I have frequently thought about the conversations we have lately had together, and I now proceed to put the results arrived at on paper.

First of all, with regard to *Salary*: I cannot make any changes,¹ nor can I enter into any engagements affecting the future, further than to state, that, should any alterations be hereafter made, they are much more likely to be for the better than for the worse. (!)

Secondly, as regards an *Observatory*: I cannot advise the Chinese Authorities to make any greater haste in the matter than was originally intended.² The students will not be ready join the Astronomical class for seven or eight years to come, and the steps to be taken for the construction of an observatory may be safely deferred for the next five years.³

Thirdly, as regards a *Library*: its immediate formation is uncalled for, and I cannot advise the Chinese Authorities to procure any books but such as are required in the College for the students, or for the classes actually at work.

Fourthly, as to the *position* of yourself and the other professors relatively to each other: I cannot advise the Chinese Authorities to concede a superior position to yourself, or to make any invidious distinctions whatever.

Fifthly, as to the propriety of providing *special facilities* for the prosecution of special researches: I cannot feel justified in advising the Chinese Authorities to move from the track that has been marked out, or deviate from their own plans, in aid or support of such researches. In establishing the *T'ung-Wên Kuan*, the object has been, first of all, to give a European education to Chinese;⁴ and at the outset, it will be expedient to confine attention to that object. Any one interested in the success of the undertaking would naturally hope, that, in the course of time, the various professors would be able to devote some of their leisure to the prosecution of such studies or researches in China as should be most to their taste, or calculated to produce results worthy of being made known, as being of interest or of use, to the rest of the world; but it is not advisable, in the first instance, to enter into any consideration of, or make provision for, the prosecution of such special researches, and, from the Chinese point of view, they must be regarded as secondary to what is really the primary object, viz., the giving of a European education to the Chinese students admitted to the classes, and must be treated accordingly.⁵ The College will, in due time, be supplied with every requisite; but its requirements must spring from, and their supply keep pace with, the advances made by the students.⁶

Lastly, whether or not individual studies and researches are likely to be

⁴ This is in every sense a *positive untruth*, inasmuch as the *T'ung-Wên-Kuan* was established for the sole purpose of forming *Interpreters* or "adepts in translating", as the Memorial of the Tsung-li Yamén itself has it (10); and "the College of Western Science and Learning", to a Chair in which the Professor had been originally appointed, never was established.

⁵ See the preceding note. Mr. Hart affects *not to remember*, that he had engaged to provide the facilities in question; and that they had been made by the Professor *a sine quâ non* of his acceptance of the Chair of Mathematics and Astronomy on the very outset.

⁶ Mr. Hart's arguments not rarely verge upon the ludicrous. Suppose a London Ragged School; style it "the University of Great Britain"; appoint a Professor of Astronomy to a Chair in the latter institution; engage to erect an Observatory for him, and to incorporate with it a scientific Library: and then tell him that "the University" shall be supplied with every requisite, i.e. that the Observatory shall be built, the Library be collected, etc., *so soon as the pupils of the Ragged School are far enough advanced for those "requisites" to keep pace with their knowledge.*

retarded or frustrated by the temporary absence of the well-stocked libraries and the various appliances to be met with in European capitals, is a question with which the T'ung-Wên-Kuan cannot concern itself.¹ I am sanguine as to ultimate success, and trust that the T'ung-Wên-Kuan will not be second to European Universities in the provisions made for its students;² but just as I cannot advise any haste—but the reverse—in pushing men through the classes, so, too, I cannot advocate any hurry in supplying the library and lecture-rooms with books, instruments, &c., &c., &c.,³ before they become called for, and warranted, by the progress made, or studies about to be engaged in, by the students themselves. I shall, therefore, counsel the Authorities to provide nothing but what is absolutely wanted for the classes, and then only when, and as, wanted.⁴

I have tried to express myself with clearness in what precedes, and what I now add, in conclusion, is to enable you to understand, and appreciate, the spirit in which, and the point of view from which, I am writing.

Personally I can fully sympathize with you in your eagerness to push forward your researches, and publish your discoveries; but, officially, I may die, or have to leave China, or may see the direction of the T'ung-Wên-Kuan pass into other hands.⁵ With such a possibility in the future,⁶ I conceive myself bound to shape my conduct,⁷ and guide my official promises, by the nature and requirements of the College itself, and, in that way, observe a limit sure to be recognized, and acted up to, by whoever comes after me. I refuse to bind my successor, or trammel his freedom, by any fanciful action or private sympathy of mine; and, officially, I shall not do yourself or any other man the injustice of making you promises, which my successor might not feel authorized to carry out, or of exciting hopes which would depend upon my continued existence for fulfilment.⁸ The College itself—its objects, nature, and requirements,—is the only safe guide for me, *vis-à-vis* both one and the other.

Instead of communicating these decisions to you by word of mouth, I prefer to put them on paper,⁹ in order that their meaning may not be mistaken, or their terms forgotten; you can read them at leisure, and, on reflection, you can take whatever decision your own interests and taste lead you to deem best.

I refused to allow you to bind yourself for any term of years, when in London, and held the Government equally free as regards yourself; it cannot, and will not, be any compliment to me for you to stay, and it neither can nor

¹ It is at times difficult to decide, whether Mr. Hart's "train of thought" is the result of calculated sophistry, or of weak intellect.

² The "T'ung-Wên-Kuan" was never intended to be, or to become, a University. The latter was a mere sanguine dream, *personal to Mr. Hart*. What the *T'ung-li Yamén* contemplated, is clearly seen from its two Memorials, communicated above (10, 11).

³ Mr. Hart's information, vouchsafed to the Professor on these points, is perfectly gratuitous. His advice or counsel to the *T'ung-li Yamén* was no concern of the Professor's.

⁴ See Note , page 55, above. Mr. Hart is given to introducing into his letters variations of the same theme.

⁵ Mr. Hart persists in confounding the existing *T'ung-Wên-Kuan* with the projected College. He had the direction of neither; but, already at that time it had manifestly been determined on, to place Dr. Martin at the head of "the College" as relapsed into the *T'ung-Wên-Kuan*. See the Hon. Mr. Burlingame's despatch of April 10, 1867 (3).

⁶ Compare the preceding note. Mr. Hart misrepresents what had been already resolved upon as "a possibility in the future".

will be the reverse for you to act otherwise. If your interests tell you to stay, you are free to do so; if they tell you to go away, you are equally at liberty to adopt that course. Be guided entirely by your own interests, at the present juncture.

The characteristic features of this letter are: untruthfulness, *mauvaise foi*, hypocrisy, equivocation, sophistry, and disregard or affected forgetfulness of engagements entered into: its main object is to disgust the Professor of Astronomy with the prospects before him, and induce him to throw up his appointment without compensation. Mr. Hart is a fanatical worshipper of Mammon, and selfishness personified. It will be observed, that he here assumes—as will be shown hereafter, *falsely assumes*,—the official position and authority of a Director or Superintendent of the T'ung-Wên-Kuan; jesuitically confounds the existing "School of Languages and Literature", with the projected "College of Western Science and Learning" or "the New Chinese University" (4); substitutes the vague expression of "the Chinese Authorities" for his usual expression "the Chinese Government;" and takes upon himself to "counsel" the former, instead of confining himself to his duties as a simple medium of communication between the latter and the Professor. He thus incurs corresponding personal responsibilities. The distinctions, which he draws between his personal sympathies and official apprehensions on the one hand, between his public and private promises on the other, are quite unique. *Du reste*, imagine, reader, the scientific library of the National Observatory of China, proposed by the would-be-Regenerator of the Celestial Empire to consist of a copy of the Elementary Spelling and Reading Books, used for the education of youthful Paddy in the Irish

⁷ It is in thus "shaping his conduct" according to the frustrated aspect of his schemes, at the expense of those who trusted in his honor (19), that Mr. Hart's *mauvaise foi*, in professing to sympathize with them and to be actuated only by asense of duty towards "the Chinese Authorities", that his hypocrisy here consists.

⁸ A more touchingly amusing illustration of the latter quality (hypocrisy) has, probably, rarely been given. No, not for the world would the "Agent of the Chinese Government" do the Professor of Astronomy or any other man the injustice of making promises, which *Dr. Martin* might not be authorised to carry out! Verily, the Inspector-General's tenderness of conscience almost reaches the sublime. And as to exciting hopes, which would depend upon his continued existence for fulfilment: why, the pure, mortal revenue-collector would as soon think of it, as he would of—the hopes actually excited, the promises positively made, and the engagements *de facto* entered into by himself, and which he falsely professed to be authorised to excite, to make, and to enter into, and seemingly never meant to carry out.

⁹ To all appearance Mr. Hart put, what he terms his "decisions", on paper, with the view of meeting by his calculated misstatements possible legal proceedings thereafter. In a certain sense, his plans are, undoubtedly, "far-reaching" (4).

National Schools,¹ possibly augmented by a donation-copy of Gray's "Elegy" or his "Ode on a Prospect of Eton College";² and the Director of that Observatory, in the ill-flavoured city of Peking, with the temperature fluctuating between—6° and +108° Fahr., and at a tide-waiter's salary,³ set by Robert Hart, Esq., "Agent of the Chinese Government", to study the contents of a promised "juvenile library" for *six or seven more years*, whilst he performs educational experiments upon a few needy Chinese students. No one, not even Wóa-Jên, could have written a more bitter and telling satire upon his scheme for the Regeneration of China, than Mr. Hart has here done himself. The thing is so preposterous, as almost to defy explanation on any ordinary hypothesis; and one hardly knows whether to pity or to condemn a person, who, with the view of avoiding the consequences of his ungoverned ambition and unscrupulous levity, does not hesitate to sacrifice to the failure of his own culpable sanguineness the positive rights and just claims of "a man of genius and original research, who has battled bravely against the world, in the cause of science";⁴ but between whom and "the other professors" (15—17)—he has the *naïveté* to tell him—he (dull Mr. Hart) "cannot make any invidious distinctions whatever".⁵

25. "As to the propriety of providing *special facilities* for the prosecution of special researches: I cannot feel justified", Mr. Hart informs the Professor, "in advising the Chinese Authorities to move from the track that has been marked out, or deviate from their own plans, in aid or support of such researches". We fear, the confidential adviser of the Tsung-li Yamén has worked out for himself a theory of justification, which reflects more credit on his aptitude for jesuitical casuistry, than on his sense of honor. He omits to explain, what is "the track that has been marked out", and what are "the *own* plans of the Chinese Authorities", as distinguished from the plans *idly conceived by himself*; he overlooks, that he should have stated the former, instead of the latter, to the Professor, previously to his engagement; and affects to forget that, in London, he felt justified to, and distinctly did, undertake on behalf of, not "the Chinese Authorities" or the Tsung-li Yamén, but of the Chinese Government, that

¹ These books had been proposed by the first Professor of English Language and Literature as class-books for the "New Chinese University", and were adopted.

² One of the students of the re-organised English Language-School made subsequently, we hear, such progress, as to be able to read, with the English Professor's aid, Gray's *Elegy*.

³ The salary of a tide-waiter in the Chinese Custom-service rises to £600 a year.

⁴ Mr. Hart's letter to the Professor of Astronomy of October 20, 1869.

the Professor was to have in Peking ample means for the prosecution of researches, which he would relinquish with his life alone; that he (Mr. Hart) had confirmed this in his private letter of August 15th, 1866 (19, 4); that once more he had "officially" accepted the same responsibility, specially referred to in the Professor's memorandum of January 28th, 1867, (21); and that, whatever he might, or might not, feel justified in advising the Chinese Authorities respecting any propriety or impropriety, no more concerned the Professor, than did his (Mr. Hart's) hopes respecting the "T'ung-Wên-Kuan", and what it was to be and what not; or his conception of fanciful duties, at his fancied death, towards a fancied successor. The Professor had never had any connection with the existing "T'ung-Wên-Kuan", and no longer had any direct connection with the contemplated College. His future sphere of duties had, since February, 1867, been restricted to the Observatory (20—22).

26. The Inspector-General of Chinese Customs, however, did not stop at mere attempts of "non-justification". Having deceived both "the Chinese Government" and the Professor, in its name engaged by him: he, in order to free himself of his responsibility towards the one and the other, with deliberate circumstantiality writes, as we have seen, to the Professor of Astronomy this positive *untruth*:—"I refused to allow you to bind yourself for any term of years, when in London, and I held the Government equally free as yourself": implying that the Professor, having proposed an agreement for a fixed number of years, Mr. Hart had refused to comply with his request, and engaged him with the explicit understanding, that he might, at the convenience or pleasure of the Chinese Government, be dismissed by it at any moment. Immediately on the receipt of the letter here in question, the Professor went to see Mr. Hart on the subject; and, after several fruitless attempts, succeeded on the next day in obtaining access to his "friend and well-wisher" (19, 7). With a bold front Mr. Hart actually attempted to maintain the assertion just alluded to; but, at last, found himself *compelled* to admit, and did admit, its *untruth*: his explanation being, that he made the statement under certain erroneous impressions

⁵ As applied to *salary*, the logic at least of Mr. Hart's silly attempt at fenio-republican levelling might be recognized, if he were to repay into the Chinese Exchequer whatever amount of pecuniary benefits of various kinds he may have derived from his position as Inspector-General of Chinese Maritime Customs, over and above the pay of a fourth-class Customs clerk: for, both the latter and Mr. Hart are revenue-officers in the service of the Chinese Government, and, according to the Inspector-General, "no invidious distinctions whatever" should be made between them.

relative to one of the other professors,—a lame excuse,¹ which, if anything added but to the characteristic feature of a proposition, the object of which it would be difficult to mistake. How utterly devoid of foundation the assertion was, we can prove out of Mr. Hart's own mouth, though, so far as his evidence itself is concerned, it rests on another "erroneous impression" of his. In a subsequent letter, dated October 20th, 1869, § 5. namely, the Inspector-General relates, how he explained to the Professor in London, that his salary was to be £600 *per annum* for the first five years, £800 for the next five years, and £1,000 a year thereafter.² Now, this being said for the purpose of depriving the Professor of a higher salary, to which he is justly and fairly entitled, was not the case; but it clearly proves that, in London, it was indubitably the intention of Mr. Hart, and clearly understood between him and the Professor, that the appointment of the latter, on the part of the Chinese Government, was to be an appointment for life; and that, when the Inspector-General wrote to the Professor: "*I refused to allow you to bind yourself for any term of years, when in London, and I held the Government equally free as yourself*", he must necessarily be supposed, for the purpose of freeing himself, at the Professor's expense, of the liability he had incurred both towards him and the Tsung-li Yamén, to have written that which he *knew* not to be true. In fact, it was but the first of a long series of similar wilful misstatements, subsequently and with the same object invented by Mr. Hart, as we shall presently see.

27. To revert, in the mean while, to the farce of "the Opening of the College" (13). We speak of that event as a *farce*, because "the College" had never existed except, a vanishing dream, in the wishful imagination of the Inspector-General; and "the Opening" referred exclusively to two out of three schools of the *partially re-organized* "*T'ung-Wên-Kuan*" or "School of Languages and Literature". What has been described in some American news-papers as "an imposing ceremony", consisted in the presentation of certain of the old and new pupils of the *T'ung-Wên-Kuan* to the new French and English school-masters or Professors of French and English Language and Literature, respectively; the third or Russian school being excluded from the proceedings. The old pupils, intended for Interpreters, who "had been chosen from Manchu bannermen, lads not far from 14 years old, having during the five years since then elapsed made respectable progress in

¹ To none of the other Professors was a condition like the one in question, or any condition similar to it, ever proposed by Mr. Hart. The Professor of Chemistry, on the contrary, had certain stipulations "put on paper".

speaking and writing English and French, but being mere tyros in Chinese studies, and still unable to express in their own tongue their ideas in a connected manner" (10), were formed into *senior* French and English classes; whilst the new pupils intended for *future* students of the projected "additional school of Astronomy and Mathematics", who, being men of advanced age and *scholars* of distinction, but of scant means and low degree, had been induced by the "great charity of food and pocket-money" offered to them (11), to undergo the tuition of foreign school-masters, "styled Professors", were formed into *junior* French and English classes. The new English school-master had, as we have previously stated (15), accepted his position, such as it was, in the existing *T'ung-Wên-Kuan*. The new French teacher also, who had been appointed by Mr. Hart to the professorial Chair of French Language and Literature in the projected College of Western Science and Learning, voluntarily placed himself on the level of a school-master, by taking charge of both classes and entering upon a school-master's duties in the actual *T'ung-Wên-Kuan* or Language-school, as partially re-organized. There were present, besides the Professors and pupils, the Superintendent of that School, *S'ui*, so tottering with old age and infirmities that he had to be supported by two servants; one or two of the junior Members of the Tsung-li Yamên; Pin, in his new dignity of a species of Reporting-Beadle; and Mr. Hart, *not in any official capacity*, but, as occasions arose, to serve as an agent and a medium of communication between *S'ui* and the French and English teachers. Such is the simple history of "the Opening of the New Chinese University" at Peking (2, 4), on the memorable Sunday, December 1st, A.D. 1867.

28. After what has been related, we need hardly point out to the reader that, although the wildly sanguine scheme, *personal to Mr. Hart*, of regenerating China in transforming, by the magic wand of his ambition, the "Additional School of Astronomy and Mathematics" contemplated by the Tsung-li Yamên, into a Western University intended to replace the destroyed Summer-Palace of the Ching Emperors of China within the park-like grounds of the Yüen-ming-yüen, had been crushed by "a rabid and obstinate old man" (12), even before it had assumed a shape, the Inspector-General of Chinese Maritime Customs had yet determined, with a view to the success of the Burlingame Mission (5), to carry on the deceit until that success should be

² The words of Mr. Hart's letter are:—"I explained to you, ...that the salary was to be at the rate of £600 a year during the first five years, £800 a year during the second five years, and £1000 a year after the tenth year".

achieved. Hence, the formalities, observed on the partial changes introduced into the French and English schools of the *T'ung-Wên-Kuan*, were by him styled "the Opening of the College", namely, of *Western Science and Learning*; and hence, about six months later, when those very changes had proved a complete failure, he still accepted the dedication of Dr. Martin's "Elements of Natural Philosophy and Chemistry", (4) knowing every word of what was said, relative to "the New Chinese University", in the English portion of that book to be devoid of truth, and to constitute simply a fraud upon the public. The history of the newly organized French and English classes—the Russian school going all along on as usual—is graphically described by the "Professor of English", in a letter addressed by him in December, 1869, to "the North-China Herald", wherein it appeared on January 25th, 1870. We extract from it the following passages:—

The French and English Classes were opened in December 1867, just about two years ago. The number of students in my department was twenty-one, and they were divided into two classes, a senior or advanced class; and a junior or elementary class consisting of beginners. The French division contained about the same number of students, similarly classed, and, its subsequent history differing little from that of the English division, what I say of one applies, *mutatis mutandis*, to the other. My senior class consisted of eight youths who had, during some five or six years previous to my taking over charge, been under the instruction of the Rev. Mr. Burdon, Rev. Mr. Thomas, and Dr. Martin, successively. They formed what was known as the Yamén School before the constitution of the college in 1867, and their status and allowances were and are much inferior to those of the students of the college proper.¹ Manchus, the sons of needy banner-men, they belonged to a very humble class, socially. Three Taels a month and their breakfast daily, was the modest, but for their class perhaps sufficient, compensation they received from the Yamén for the obloquy which their foreign studies exposed them to. A native teacher was provided to give them a Chinese education as well, and this part of their studies has always preponderated over the other...I soon ascertained that, with one or two exceptions, they pursued their English studies in a very perfunctory spirit, the greater part of their time and energy being given to Chinese...

I stated that I had two classes, and I have hitherto only spoken of the senior class, and as yet said nothing of the thirteen students who composed my Junior class. The terms Senior and Junior are in some sense misnomers as here applied; for while the Senior class was composed of young men, the Junior class consisted almost exclusively of old men. They were all graduates, men of some pretensions socially, and so far were more desirable as students, and more likely to bring Western studies into repute, than the youths above spoken of. They were the sort of men whom I had been led to expect as students—"men who have" as my letter of appointment worded it, "taken high degrees in

¹ At the so-called "Opening of the College", Mr. Hart's College or University scheme had long since exploded. The students of what the Professor of English terms "the College proper", were the scholars intended to become students in the projected "Additional School of Astronomy and Mathematics", which was, in July 1869, partially established as an additional "School of Mathematics" under a native teacher. The Professors, engaged by Mr. Hart for "a College of Western Sciences

Chinese scholarship". But they were far too old. Two only of the members were under 30; the age of the rest ranged from 30 to 50. One man was so old that his organs of speech were enfeebled by the weight of years, and his attempts to articulate the outlandish sounds in the English syllabary frequently proved fatal to the waggish young fellows of 40 and 50, his classmates. Another of them, a man of 48, was a doctor, apparently in extensive practice, for I saw very little of him in my class-room. Others of them were clerks in Yaméns, and the official duties of some of them necessitated their absence from lecture five times a week. My French colleague's students were not more promising. They were, I think, men more patriarchal than mine. One of them, I know, was the father of one of my men. "Decayed wood" says Confucius "cannot be carved"; and more unpromising materials for a teacher to operate on than the fossils which formed my junior class, could not be found. Teaching them was almost hopeless; and granting it possible, what practical use could their hardly earned knowledge subserve—knowledge which they could only hope to acquire just in time to take it with them to the grave!—No better recruits flocked to the newly raised standard of Western Learning than the Mouldys, the Shadows, and the Feebles whom I have described. Nor is the reason of this far to seek. If there be one strong feeling among the literary classes of this country, that feeling is dislike—dislike dashed with contempt—to foreigners and foreign ideas. To have relations of any sort with foreigners is a thing to be ashamed of; but to be taught by a foreigner is perhaps the deepest degradation possible for a scholar.

The College was destroyed in embryo. No respectable Chinese would matriculate in it. No man young enough to have still hopes of advancement in any other career would cast in his fortune with that of the College. The few that came were men who failed in the official career—broken down hacks to whom the stipend offered by the Yamén proved dearer than their reputation. Indeed the reputation of most of them had already been blown upon in consequence of previous relations with foreigners. Some had been tampered with by missionaries; and some had been teachers in the Legations. They were looked upon by their literary brethren as renegades and traitors to the cause. They felt they were so themselves. One of them, with whom by great trouble I became a little intimate, admitted to me that outside the Yamén (the College, I should perhaps have stated, is located in the Yamén) he represented himself as a copyist or clerk. He never acknowledged himself to be a student in the College, such a position being, to use his own expression, *han ch'en*, disreputable.

The end to which my class came, *for it no longer exists*, is not a little curious and instructive. After I had been teaching it about six months, I was somewhat surprised on going one day to lecture, as usual, to find that no students presented themselves. The next day only five came. On my asking why they were absent the previous day, they told me they were being examined by the Authorities. The examination, they further stated, had resulted in the dismissal of eight in my department and eight in the French, hence the attendance of five only. As not one of the Authorities knows a word of English, I was somewhat amazed at this intelligence, but on inquiring still further, I found that their Excellencies had been assisted by two of the scholars of my advanced class and a book of phrases.² Thus, the Yamén officials had, in a matter in which the professors were so much interested, acted not merely without consulting them

and Arts", deliberately waived their proper position by accepting that of schoolmasters in the *T'ung-Wén-Kuan*.

² Imagine a Chinese school attached to the English Foreign Office in Downing street, and Lord Granville, with a Chinese primer in hand and one of the more advanced pupils at his elbow, examining the students as to their proficiency in the Chinese language.

or asking them to adjudicate on the merits of the candidates, as by every rule of courtesy and common sense they should have done; but even without giving the least intimation of their intention to examine the class. They might at least, one would think, have had the common manners to notify to us that our presence would not be required at the Yamén on such and such a day, as the students would not be there to meet us. But no; *on this as on almost all occasions, they treated us with the greatest discourtesy*. Nor was our grievance a merely sentimental one; for what with the incompetence of the examining body, and the absurd character of the texts, the French Professor and myself had each to deplore the loss of one or two really promising men amongst the rejected eight; while of the surviving five in my department, there were two of whom I entertained no hopes whatever—rightly as the sequel showed—and a third who might have done something had he not been a victim of opium. We represented the matter to Mr. Hart, who fully sympathized with us, and spoke strongly in the Yamén against the course which had been taken; in this as in other affairs of a similar character supporting the claims of the Professors to more considerate treatment than the officials have seemed disposed to accord. The hostility of the official and literary classes is likely to prove a serious obstacle to the success of the institution, *should it be resuscitated*. The examining body being incompetent, there is no certainty of the best man getting first, and thus one of the chief incentives to industry is destroyed. The test passages are pretty certain to be selected without any reference to the work done in class. The student has thus less encouragement to follow carefully the Professor's daily teaching; and erratic and unmethodical habits of study are in this way fostered. Of the many illustrations of the abuses of the system, I select the following as being one of the most characteristic. When I joined the College I found that an examination of the advanced class took place once a month. The Professor set a passage from some English author which the students turned into Chinese. The translations were inspected by a Chinese official who awarded a small pecuniary prize to the writer of the best. Now the chief excellence of translation is fidelity to the original. As this was a point beyond the examiner's power to judge, he was obliged to regard the pieces as so many original compositions, and to decide on them accordingly. Thus the examination degenerated into a mere test of the students' progress in Chinese, and this was so completely the case that I understand the student who most frequently stood highest on the examiner's list, rarely looked at the original English at all.

But to conclude the history of my ill-fated junior class. Of the five, three had been always very irregular in their attendance, and they became even more so after the examination. They soon discontinued their visits to the College altogether, though still edifyingly punctual in their appearance on pay-day at the Yamén. This went on for months before the superior authorities of the Yamén heard of it, for these officials never asked for any report from the Professors on the attendance or progress of the students. The Mandarin deputed to look after the men, Pin (the gentleman who had an audience of the Queen) was, indeed, cognisant of the state of affairs, but he said nothing about it to his chiefs. If reports speak true, he pocketed the monthly sum allowed for the messing of the absentees; hence his silence. I had an opportunity myself, some time after, of mentioning the matter to His Excellency Wen Hsiang (the ablest and most enlightened official, probably, in the Empire), and he at once, with his own hand, struck the names of the defaulters off the roll. The thirteen with which I started were now reduced to two. These worked on steadily enough till July last. In that month a Chinese mathematician, named Li, was

1 Professor Li has published quite a collection of mathematical essays. The first proposition of the first book of that collection is, that Western mathematicians are wrong in teaching that a mathematical point has neither thickness, length, nor

appointed by the Yamên to the chair of Mathematics;¹ and my two students, together with three still surviving in my colleague's elementary class, were placed under the new Professor's instructions. They ceased altogether their French and English studies on the pretext that a foreign language and mathematics at the same time were too much for them. Four young men from Shanghai who had been taught at the Yamên School there (and remarkably well taught) and who came to Peking to join the College, joined the mathematical and deserted the English department in the same way. They, too, had official buttons and ten taels a month. Two of my senior students whose pay had been raised from three to ten taels, the best men in the class, left me too about the same time. All these men had been studying English for years in order to fit themselves to receive instruction in science through the medium of that language. As Professor Li speaks no language but his own, all their previous knowledge is thrown away in their new pursuit, and they are rapidly forgetting all the English they have learned at so much expense and trouble...

The present strength of the English department is six—six of the Scholars of the old Yamên School. They, after their seven years' study, still continue to draw their three taels a month. They pursue their studies in a very humdrum way, daily expecting like Micawber 'something to turn up'.

It will have been noticed, that the Professor of English, also, speaks of "the College", and represents it as having been "constituted" by "the opening of the French and English classes in December, 1867". The word "College" has in recent times assumed a somewhat elastic meaning, and there are "Colleges", entitled even less, than is the "College of Health", the well-known store-house of Morrison's Pills, to such a designation. The application of the term itself to the *T'ung-Wên-Kuan* of Peking may, therefore, be regarded by many as anything but exceptionable. We ourselves do so. It is different, however, when by "the College" is understood a "College of Western Science and Learning", or a "College of Western Sciences and Arts", or "the New Chinese University", with its full complement of professorial Chairs, its liberal Charter, its Astronomical Observatory, its printing-press, and what not. No sober or rational person will consider the re-organization of two French and English classes, such as are described by the Professor of English, in the *T'ung-Wên-Kuan* or "Language-school" of the Tsung-li Yamên, with its cooking and head-shaving apparatus in full activity in its "lecture-rooms", to constitute the foundation of a University.

28. About the commencement of 1869, a desperate effort was made by the Inspector-General of Chinese Maritime Customs, aided by the Professors of French and English, to resuscitate "the College", i.e. the two in 1867 re-organized classes of the *T'ung-Wên-Kuan*, just alluded to, and as we have seen, already then in a dying condition. The Professors of English

breadth. According to him it is a *solid cube*, infinitesimally small, yet a solid cube; whilst a mathematical *line* consists of a given number of such cubes. He is the most eminent mathematician of China at the present day.

and French being treated by their pupils with even greater discourtesy, than they were by the Chinese Authorities, in order to acquire, as the former explains, "the status of gentlemen and, by imparting dignity to their position, to create additional claims to the respect and obedience of their pupils", profited by the opportunity to ask for a button of the fifth rank—a demand, which would appear to have been ridiculed by a writer in the *London and China Express*. For, the Professor, in his letter to "the North China Herald", refers to Mr. Hart's attempt in the following words:—

I have, I think, said enough to show that causes in sufficient number have existed to account for the failure of the College, without its being necessary to visit any portion of the blame on the Professors. This is my chief object in writing; but before concluding I may be permitted to add a few words respecting the demands made, as the writer in the *Express* says, by the Professors, in a body. Now, Sir, the demands, or rather demand—for there was really only one—was not made by the Professors in a body. It was made by my French colleague and myself without consulting the other Professors. Some time ago, Mr. Hart, disgusted with the way in which the College was being mismanaged by the Chinese, asked us both to submit to him on paper such suggestions of a practical character as our experience would dictate, as being calculated to place matters on a more satisfactory footing. *These he intended to submit to the Authorities, whose acceptance of them he hoped to be able to gain.* We framed some twenty rules of a comprehensive character, regulating the classification, teaching and examination of the students, the hours of lecture, vacations, scholarship, prizes, &c. Our experience having demonstrated the insignificance and powerlessness for good of men, like ourselves, without any official status in an atmosphere so charged with officialism as that of the Yamén, and thinking it desirable that we should be placed in such a position as was necessary to give us some voice and weight in the controul and regulation of the studies, we did by way of supplement make the suggestion that a brevet rank should be granted to us...It is difficult to see why the Professors of the literature and science of Europe should occupy a subordinate and inferior position to the native teachers. Sir Rutherford Alcock, whose judgment I rate higher than that of our critic (*pace tanti viri dixerim*) once said to me—I do not profess to quote his exact words—"I am of opinion that the foreign Professors should have a high rank in the Yamén; and they should be provided with the means of going there with the same state and surrounding, that respectable Chinese officials affect". It is all very well for a person writing in the centre of Cockneydom to speak with elegant tautology of these things as "childish puerilities". A button of the fifth rank is, in London, simply a bit of glass; in Peking it carries with it respect and consideration; and these, Sir, are things which few people affect to despise except those to whom they have been denied.

The Professor of English omits to state, that the Inspector-General's attempt at resuscitation failed, in as much as his famous "Eighteen Rules"—we have a copy of the Chinese text before us—, though very carefully framed, and in all humility submitted for approval to the Tsung-li Yamén, were by that learned Commission rejected, and cast aside without ceremony.

30. The Tsung-li Yamén soon went further. Without so much as consulting Mr. Hart or informing him of its intention, it appointed, as we have already seen from the letter of the Professor of English (28), in July.

1869, with the knowledge of the Professor of Astronomy and Director of the projected Observatory, a native "*savant*", Li, as "Professor" of Mathematics in the Yamên's *additional* "School of Astronomy and Mathematics",—a school, additional to the three existing language-schools, known as the *T'ung-Wên-Kuan*, and the establishment of which, like that of the latter, had been sanctioned by the Emperor (11). By this appointment, however, a character totally different from what had been originally intended, was impressed on the additional school, *thus actually called into existence*, and by the Chinese Professor of Mathematics and his pupils, as distinguished from the three language-schools, styled the 天文館, *T'ien-Wên-Kuan* or "School of Astronomy (and Mathematics)". The Tsung-li Yamên, in fact, had *abandoned its first plan altogether*; adopted the idea of Wôa-Jên (12); found, for Mathematics at least, a native teacher answering all its purposes; and, unhesitatingly, placed him in the "Chair" of the Western Professor, who had been engaged by Mr. Hart to fill it in "the New Chinese University"; had, a year since, for that purpose landed at Tientsin (20); had been ordered back to Shanghai, where a furnished residence was provided for him; had there been patiently awaiting the resuscitation of "the College; and was now inveigled into resigning his position, and accepting, in its stead, that of a Consulting Surgeon to the Chinese Maritime Customs' Establishment at Hankow. The appointment of Professor Li was but the prelude to the final constitution of the *T'ung-Wên-Kuan* on the basis of a low Grammar-school, as the sequel will show.

31. Whilst the re-organized French and English Classes of the *T'ung-Wên-Kuan* were pursuing their ill-fated courses downhill, residences, in the shape of more or less repaired and altered Chinese houses, had been provided by the "Agent of the Chinese Government" for the Professors of Chemistry and French; whilst a newly and more substantially built villa had been assigned to the second Professor of English. The Professor of Astronomy was kept as an ornament in Crooked-Railing-Lane-Court, on the plea that a perfect little *fu* had been destined for him, but, being situated in the close vicinity of the mansion of one of the enlightened Members of the Tsung-li Yamên, the latter feared lest the *fêng-shûe*—one of the most common superstitious ideas of the Chinese—of his own residence should be disturbed by the chimneys of that of the Western *savant*. The truth was, that the Inspector-General, his visionary scheme of the Regeneration of China having vanished into air, and instead of dealing, as the circumstances required, frankly and fairly with the Professor, had resolved on "getting rid"

of him in a cunning and underhand manner—*without a due pecuniary compensation*. His letter of October 25th, 1867, (24), was intended to disgust, if not to irritate, the Professor. His next step was this. One fine afternoon in the spring of 1868, Mr. Hart, in his usual stealthy manner, called upon the Professor at his rooms in Crooked-Railing-Lane-Court; and, stating that his intention of appointing another Professor of Mathematics to "the College" having been frustrated, asked him: *whether he would be willing, as originally contemplated, to again accept that Chair?* Without a moment's hesitation the Professor answered in the negative, on the ground that *he wished to keep to their subsequent agreement, and restrict himself to the Observatory*, (20—22); and expressed *his surprise* at the proposition, since Mr. Hart had told him in the preceding month of February, that *already then* he had appointed another gentleman to the Chair of Mathematics, and that Dr. R. A. J.....n was generally understood to be that gentleman. Mr. Hart replied, that difficulties had arisen in the negotiations, and that no *positive* appointment had as yet been made. The Professor, however, kept firm to his determination not to disturb their final agreement; and Mr. Hart left him, apparently satisfied. Yet, he subsequently based on this conversation, as will be presently seen, the false accusation of the Professor having refused to perform the duties of his Mathematical Chair; and thereby obtained his dismissal on the part of the Tsung-li Yamén. The object of his visit is thus explained; but, to show the whole perfidy of the "Agent of the Chinese Government" in making it, it remains for us to add, that, *on the evening of the same day*, the late Captain Hockley, R.N., then Harbour-master at Shanghai and staying on a visit with the Inspector-General, happened to dine at the Custom's Mess; when in the course of conversation he mentioned, that Dr. J.....n was being expected out to take the Chair of Mathematics in the College, and that Mr. Hart had shown him over the house he was to inhabit. The Professor remarked to Captain Hockley that, surely, he must be under some misapprehension about this; and asked him whether he was quite certain of the facts he had stated? "Quite certain", he replied;

¹ To give an illustration of this. On the 25th June, 1864, the Inspector-General applied to the then United States Minister at Peking, the Hon. Mr. Burlingame, "to get for him from America three young gentlemen, above 18 and under 22 years of age, who have received a collegiate education. I should like men", Mr. Hart's letter continues, "of at least fair average abilities, of good standing in society and of industrious habits. £200 sterling would be paid to each on his arrival in China, to reimburse him for expenses incurred in his passage out. For the first two years, they would be located at Peking, to study Chinese, where they would be provided with rooms, and receive pay at the rate of £400 a year. At the expiration of the second year the pay

explaining that Dr. J.....n was an old friend of his, from whom he had heard but a few days ago, and that Mr. Hart, personally, had conducted him *that very morning* over the house, in which he had told him (Captain Hockley) he (Mr. Hart) intended Dr. J.....n to reside. On the following day, the Professor took occasion to state to Mr. Hart the painful impression, which this incident had produced on his mind, and invited an explanation. All the answer made by the Inspector-General was: "Dr. J.....n is not yet appointed"; whereupon he withdrew. We have seen how Dr. J.....n soon afterwards arrived in China; advanced towards his Chair of Mathematics as far as Tientsin, and was ordered back to Shanghai. His appointment by Mr. Hart previously to the time in question, and his expected arrival in Peking, were simply facts.

32. Disgusted with the mode of life at Crooked-Railing-Lane-Court, so entirely at variance with his habits and pursuits, and annoyed by the constantly reiterated assertion of the Inspector-General's Secretary, Mr. Campbell, that the Professor was "one of them", namely of the Custom's *employés*, the Professor had at an early period—in the winter 1866-7—reminded Mr. Hart of his engagement to provide a suitable residence for him. He promised to do so: "the first house, he could find, should be the Professor's". But Mr. Hart considers himself bound by neither verbal promise, nor written engagement.¹ It was only late in the spring of 1868, that his Secretary took the Professor to a house, "in which he was to live". A once excellent Chinese residence, it had been altered by a second-rate native joiner,—the ordinary architect to "the Customs" having declined the contract on Mr. Hart's terms, exceptionally low in this exceptional case—, according to the Inspector-General's own design, throughout. The well had no drinkable water. There was no drainage. The walls, unpapered and not even white-washed, were thickly covered with saltpetre; the floor partly rotten; the wooden pillars, placed in the principal rooms, beginning to putrify at the base, and the moisture in them rising up to the height of three or four feet; the plaster of the outer walls blistering and coming off

of each would be raised to £600, from which it would gradually rise to...£2000 a year (as full Commissioner). An industrious, hard-working, and able man might fairly expect to be a Commissioner in eight or ten years..."

Under date of July 5, 1864, the Hon. Mr. Burlingame directs this application, officially, to the American Secretary of State, the Hon. W. H. Seward, repeating the terms offered by Mr. Hart generally, and especially, that, "*for the first two years they—the three young Americans—will be located at Peking, to study Chinese*". On this occasion the American Minister informs his Government, that "Mr. Hart is from Belfast in Ireland, and graduated with high honors from one of the first British Colleges". Mr. Hart

in large patches. The doors, that were open, did not shut; and those, which were shut, did not open. Small stoves were placed close to single pillars in one of the corners of large rooms; and the windows, few and small, were similarly distributed. The ceiling of the bed-room was suffocatingly low. there were three or four doors, besides a badly-fastened glass-door opening directly into the court-yard; one wee window, to produce draught; and an immense square pillar in the middle, to prevent a bed-stead from being properly placed. An open shed, intended for the servants' "water-closet" had been erected outside against the wall of "the drawing-room". In short, Mr. Hart had designedly rendered the house uninhabitable; and as his Secretary informed the Professor, that the Inspector-General declined to have any changes made, the Professor in his turn had to decline, and declined the house altogether, on sanitary grounds.

33. At an interview, which hereafter the Professor had with Mr. Hart, in the first week in June, 1868, the former once more suggested, whether his return to Europe would not be advisable? "Well", said Mr. Hart after some hesitation; "I think, you better *had* return". "I am willing to leave at once", the Professor quickly replied, "provided we can agree upon the amount of compensation". This, however, was not exactly, what the Inspector-General had contemplated. The conversation ended by the Professor leaving Mr. Hart the alternative to fix, and pay up, his salary at the rate of £2,000 a year,—in which case he offered to purchase every requisite for the pursuit of his private studies out of his own means,—and otherwise to fulfil his engagements entered into towards the Professor; or

left his early studies at the Belfast College for an appointment as Student-interpreter at Peking. The following extracts from both the letters cited, will amuse the reader:—

Mr. Hart to Mr. Burlingame,
June 25, 1864.

Unfortunately I have found it quite impossible to recruit in China for our offices. We have no difficulty in procuring seafaring men, and others fit to perform the work of out-door departments, and accordingly, among the tide-waiters, whose pay ranges from £240 to £600 a year, a great many Americans are to be found. Of the dozen Commissioners who preside at the ports, three are Americans, three are French, one Prussian, and five are English. We have not one American who can interpret, or who can be said to have any knowledge of Chinese, and the few that we have in the offices as clerks are very far indeed from being a superior class of men.

Mr. Burlingame to Mr. Seward,
July 5, 1864.

The men selected by him (Mr. Hart), as far as possible are of the highest class. If he shall continue at the head of the service, I do not see why the Chinese Government will not put other nations behind it in the quality of its Customs force. The pay is nearly twice that of any other country of corresponding service. I hope you will give your personal attention to this, and secure young men of the very highest moral as well as intellectual qualities. They will be brought into immediate contrast and competition with young men who are graduates of Cambridge and Oxford, and who were selected for the British service after the severest competitive examination.

else to obtain for him a fair and just compensation. Mr. Hart said, he would let him know. A few days afterwards,—according to Mr. Hart on the 11th of June,—he called upon the Professor, to inform him that all the compensation he had to offer, was a year's salary and passage money for the voyage home. The Professor asked: whether he (Mr. Hart) felt no scruples of conscience in offering him such grievous injustice? and added some observations, which caused the Inspector-General to say, that "he could not allow such language". "You *must* allow it, Mr. Hart", was the Professor's reply; "for, it is the language of truth". He thereupon proposed to Mr. Hart arbitration; which the latter declined. Finally, he asked: "Would you, then, object to my submitting the whole case, *directly*, to the Chinese Government?" "If you do", Mr. Hart threatened, "you may consider it tantamount to your dismissal". And, offering the Professor a few days for consideration, he left abruptly. Taking into account the extraordinary threat, uttered by the Inspector-General, the Professor judged it to be high time to place his relations with the professing "Agent of the Chinese Government" on a legal footing. He followed him to his office, and, on Mr. Hart persisting in his refusal to act, so far as he was concerned, fairly and justly towards the Professor: the latter told him that, under any circumstances, he had determined to return to Europe, being, as he had starved for Science before, willing, *if need be*, to starve for Science again; but that he had also duties to perform both towards Science and himself, and that he was equally determined to perform those duties. It was the Professor's intention then, as it was a year later when he carried it into effect, to have

We believe Mr. Hart succeeded, a couple of years ago, in "recruiting" for the doubly-paid Customs service of China a poor German. "Doctor in Philosophy", one Mr. Hecht or Specht: of graduates of Cambridge and Oxford in that service we have never heard. But to revert to our subject. The Hon. W. H. Seward, considering that "the friendly spirit toward the United States manifested in the proposition made by the inspector-general of customs in China, merited an effort on their part to justify the confidence reposed in them", entrusted, by an official letter of October 15, 1864, the Reverend Eliphalet Nott, D.D., the Reverend Thomas Hill, D.D., and the Reverend Theodore D. Woolsey with the selection of the three young gentlemen, Mr. Burlingame had been requested by Mr. Hart "to get for him". Yet, under all these circumstances, the Inspector-General, pleading the requirements of the service, after their arrival in China refused to act up to his engagement, that "for the first two years they should be located at Peking, to study Chinese", and heeded as little the remonstrances of the Hon. Mr. Burlingame, as he did the wishes of the gentlemen concerned. In a recent case of the same kind, the Customs *employé*, a Russian gentleman of independent mind and means, at once threw up his appointment; and is understood to have done so in a letter to the Inspector-General written in a tone of the most cutting and contemptuous sarcasm.

his position relative to the Chinese Government determined by the Laws of England; and, thereupon, to submit the whole case, his desire to return to Europe, and his claims for compensation to the Imperial Government either directly, or through the British Minister at Peking, or otherwise. This intention he, a few days subsequently, intimated to Mr. Hart himself by stating to him that, unless he came to terms, the Professor would be under the necessity of having recourse to legal proceedings; and that it was apprehended also by the Secretary of the Inspector-General, Mr. Campbell, was shown by the amusing anxiety of the latter, then about to visit England, to persuade the Professor to accompany him, in which case he had no doubt, the Secretary stated, "Mr. Hart would, in addition to what he had offered, do something handsome for him (the Professor)"; or, at any rate, to avoid staying a minute longer than was absolutely necessary in that "sink of iniquity", Shanghai, and so to arrange his (assumed) journey homewards, as to step at once on his arrival from Tientsin on board the Mail-steamer for England. The Professor allowed the Inspector-General's Secretary to talk on, and saw no reason to disabuse him of his impressions; but—remained in Peking. Having passed another summer at the hills, and made preparations for starting in the autumn: there arrived for him both legal advice and information of importance relative to "the College" and other matters connected with it, respecting which we need only say, that they induced him to delay his departure for Shanghai at that period. He, therefore, furnished a set of apartments, which were offered to him by a friend, and resumed his Chinese studies.

34. Shortly after the Professor's return to Peking, he received from Mr. Hart's Acting Secretary, Mr. Wieters, a note in *German*, dated October 6th, 1868, of which the following is a literal translation:—

Occupied in closing the accounts for the last quarter, I take the liberty, by Mr. Hart's directions, to inquire: in what shape you would wish to receive the balance of your salary, whether in cash here, or in a cheque on Shanghai, Hongkong, or London;—also, in what shape you would wish to draw this years' (or the annual) bonus due to you, whether in a cheque on Shanghai, Hongkong, or London.¹

¹ "Peking, d. 6 October, 1868.—Mit dem Abschluss der Rechnungen für's verflossene Quartal beschäftigt, erlaube ich mir, im Auftrage von Herrn Hart, bei Ihnen hiemit anzufragen, auf welche Weise Sie den Saldo Ihres Salair's zu empfangen wünschen, ob per Cassa in Peking, oder per Cheque auf Shanghai, Hongkong, oder London,—ebenfalls auf welche Weise Sie den Ihnen zukommenden Jahres Bonus zu beziehen wünschen, ob per Cheque auf Shanghai, Hongkong, oder London."

² "Peking, October 7, 1868.—In Antwort auf Ihre gestrigen Zeilen ersuche ich Sie, mit Ausnahme von dreihundert Taels, um die ich in hiesiger Währung bitte, mir alle Gelder, welche Herr Hart Sie beauftragen möchte an mich auszuzahlen. in

The Professor, having reason to suspect that this note had been sent only with the view of ensnaring him, used the necessary caution in wording his reply, of which the following is an English version :—

In answer to your lines of yesterday, I request that, with the exception of 300 taels, which I would wish to receive in Peking currency, you will transmit to me any sums of money, which Mr. Hart may instruct you to pay to me, in a cheque or in cheques on a secure bank in Shanghai.²

Hereupon the Professor received on the following day, under blank cover, a sum of Taels 2500,—accompanied by no explanation or account whatever, and the receipt of which he simply acknowledged in the following terms :—

Peking, October 8, 1868.

Last evening, on my return home, I found, awaiting me, under blank cover from you three orders for one hundred taels each, and a cheque for two-thousand and two hundred taels on the Oriental Bank in Shanghai, of the due receipt of which papers I would not fail to inform you.³

The Professor, who saw no occasion to enter into any discussion with the Inspector-General's Acting Secretary, addressed to the former a most conciliatory private letter, not produced by Mr. Hart at the subsequent trial, in which the Professor says :—

Your Secretary, Mr. Wieters, sent a day or two ago, by your order, a sum of 2500 taels, including, he remarks, "the year's bonus to which I am entitled (or due to me)"—den mir zukommenden Jahres Bonus. May I accept this as an annual addition to my salary? Though I should still have to consider, and consider, it essentially below the sum, to which my position as Professor of Astronomy and Director of the Observatory here, give me a just claim; yet it would afford me sincere pleasure to think, that you had more favourably entertained my claims and are now no longer indisposed to meet them. ...It was stated to me, a few days since, as a fact of personal knowledge,—or else I should have taken no notice of it,—that although you had ceased to regard the University-scheme with very hopeful eyes and Sir Rutherford also advised its abandonment, you are yet unwilling to give it up without making one last effort for its success. If this be really so, need I say that nothing is further from my mind, than the wish to throw any impediment into the way of that success, or to add to the great,—I cannot help fearing, the insurmountable,—difficulties, which oppose themselves to the realisation of your momentous plan?... I shall be happy to conform to your wishes, provided I can do so in accordance with the duty I owe to Learning and myself.

But, the effort, alluded to, was of a less ambitious character, than the Professor had been led to suppose; and it, certainly, extended neither to the

einem Cheque oder in Cheques auf eine sichere Bank in Shanghai zukommen lassen zu wollen".

In the Record of the subsequent trial, this Note was not produced by Mr. Hart; but, instead of it, the Professor's Note of October 8, cited below, as though the latter had been the answer to Mr. Wieters' note of the 6th October.

³ Peking, October 8, 1868.—Ich fand gestern Abend, bey meiner Rückkehr nach Hanse, Ihr Couvert mit drei Anweisungen, jede für hundert Tael, und einem Cheque für Zweitausend zweihundert Tael auf die Oriental Bank in Shanghai vor, und wollte nicht verfehlen Ihnen den richtigen Empfang dieser Papiere anzuzeigen.

park-like grounds of the *Yüen-ming-yüen*, nor to the erection of an Observatory.

35. Hence, Mr. Hart resolved on freeing himself of the Professor of Astronomy, not so much at any price as in any way, and consequently, in reply to the preceding note, addressed to him the following "official" letter:—

Peking, 15th October, 1868.

Having reference to the conversation you had with me on the 11th of June last,—when you told me, in my Office, that you had definitely made up your mind to withdraw from the appointment then held by you in the T'ung-Wên-Kuan,¹ but asked to be permitted to continue to hold it² till the return of fair weather before which you could not conveniently make your arrangements for leaving Peking,³ and to which request I replied that, under the circumstances, you might continue to draw pay to the end of the September quarter,⁴ I have now to notify to you, that, on the 30th September, your name was removed from the list of the T'ung-Wên-Kuan, and your connexion with that establishment came to an end.⁵

I have further to state that,—the allowance of one year's pay, promised you before and⁶ on the 11th of June in the event of your deciding to withdraw

¹ For the true account of what passed on the day, which Mr. Hart states to have been the 11th of June, see above (33). To a withdrawal from his appointment, on the part of the Professor, not so much as an allusion was made: what he spoke of, was his determination to return to Europe,—but only after having obtained that justice for himself, which Mr. Hart denied him. That the Inspector-General, in stating that the Professor told him, he had definitely made up his mind "to withdraw from the appointment then held by him in the T'ung-Wên-Kuan", stated a *positive untruth* is proved by the fact, that the Professor never held an appointment in the T'ung-Wên-Kuan i.e. the Elementary Language-School, established in 1862 (10), albeit Mr. Hart *fraudulently*, in his letter of appointment (8, 3) substituted the name in question for the projected College of Western Science and Learning, to a *professorial Chair* in which he was originally appointed by "the Agent of the Chinese Government"; that the Professor, from the moment he heard of the existence of the *Tung-Wên-Kuan*, had most emphatically disclaimed all and every connection with that School; and that, ever since February, 1867, he had held the position of Director of, and Professor of Astronomy at, the *projected New Observatory* (20—21), to which his future duties were then absolutely restricted.

² That this is another *positive untruth*, "put on paper" by Mr. Hart, is proved by the absolute want of any cause for the Professor "to ask to be permitted to continue to hold" an appointment, which he actually did hold as a right, and, if he had at all intended to voluntarily resign that right,—which he did not,—it, surely, would have rested with himself to simply state the term of expiration. Mr. Hart's own sense of his quasi-Imperial dignity would seem occasionally to turn both his head and his pen.

³ What the Professor stated was,—if he remembers rightly in answer to a question from Mr. Hart,—that he did not intend to proceed to Shanghai before the approach of winter.

⁴ See the Note 2, above.

⁵ If persistency in misrepresentation could have turned the T'ung-Wên-Kuan, established by the Tsung-li Yamén in 1862, into the College of Western Science and Learning, projected by Mr. Hart in 1866: surely, the Inspector-General's scheme could have proved no failure.

from the T'ung-Wên-Kuan,⁷ having already by your own wish been issued to you⁸ by a draft on Shanghai,—it simply remains for me to inform you that the Commissioners of Customs at Tientsin and Shanghai will be instructed by me to forward you, on arrival at these ports, on your homeward journey, and provide you with a passage by the Overland route to either Southampton or Marseilles.⁹

This letter was accompanied by a separate note, the contents of which were virtually but a repetition of the former, excepting the following passage:—

The 30th of September arrived a fortnight ago, and your name was removed from the professorial list... You now enquire if the year's pay is "*an annual addition to your salary*": it is *not*; it is simply the allowance I promised to be issued to you, at the end of the September quarter, on the termination of your connexion with the College...

Both letters reached the Professor on the following day, together with another note from Mr. Hart, dated the 16th of October, 1868, and which reads:—

I must ask you to excuse my delay in sending you the accompanying despatch. It ought to have been issued a fortnight ago; but you were, I think, then still at the hills, and, besides, other matters kept me from writing.¹⁰

⁶ A compensation, including one year's salary, was offered by Mr. Hart to the Professor on the 11 (?) June, and on that one occasion only. It had never been mentioned before, and was afterwards never again, mentioned between them.

⁷ See Note I, above.

⁸ This assertion constitutes another *positive untruth*, which shows how fully justified the Professor was in suspecting, on the receipt of Mr. Wieters' note (34), unfair play. No "withdrawal from the Tung-Wên-Kuan" had ever been spoken of; no wish for the issue of "the allowance of one year's pay" had been expressed by the Professor. A snare had been laid for him by Mr. Hart; for, it will be observed, that the note of his Secretary is so worded, as to cause the Professor to believe that the balance of last quarter's salary is offered to him *as usual*, and that a *bonus* i.e. an *additional salary* is added to it, which may be taken to apply to the year, which had just expired, only; or it may be understood in the current sense of an *annual addition*, and which, in either case, is said to be *due* to him, or to which he is admitted to be *entitled*. No sum is specified. Mr. Hart affects not to remember that "the allowance of one year's pay", which he subsequently puts down at £600, signified to the Professor at least £2000. *And could he honorably and rationally expect the Professor to throw up an appointment, certain and for life, at any rate of the annual value of £600, increasing to £800 and £1000 a year, for the paltry consideration of £600 and "a passage home"?*

⁹ This passage shows to what a degree vulgar insolence and insolent vulgarity may be carried on the part of a person, whom chance has elevated to a position, which should be held only by men of gentle blood and good breeding. It would have been simply amusing to see the Inspector-General of Chinese Maritime Customs lay down, imitation-Imperially, the Professor's homeward-route, did not the fact constitute rather one of those symptoms, which command pity, instead of provoking derision.

¹⁰ If "the despatch" had not been an after-thought of Mr. Hart's, he ought to have issued it, not "a fortnight ago"; but at the time, when he pretends, the Professor "withdrew from his appointment in the T'ung-Wên-Kuan"; that is to say, *four months* sooner. We shall presently find, however, that the whole thing was a mere sham.

In answer to the latter communications, the Professor, pointing out to Mr. Hart once more his intention to take legal proceedings, the general consequences involved in them, and their mutual position, wrote as follows:—

Peking, October 19th, 1868.

I was truly sorry—permit me to say for your sake rather than my own—to see from your note of the 15th, that you will persist in a course of action towards me, which seems to me not devoid of danger to your future career in and your schemes for, China, instead of profiting by the opportunity, which I held out to you in so generous and handsome a manner, to withdraw from a false and untenable position. It consoles me to think, that I have done all I could and more, perhaps, than I ought to have done, to prevent those actual hostilities between us, which you have so deliberately provoked by your official letter; for, though I do not in any way reciprocate the feeling of personal animosity, which appears to animate you against me,¹ yet “war”, you know, “is war”; and not only have I indubitable justice on my side, the vantage-ground also is mine, in as much as I have little to lose by such a war and something to gain, whereas you have nothing to gain and everything to lose.

In conclusion, pardon me for suggesting that, since you have chosen strife all private correspondence bearing on the legal position of matters pending between us, should cease: with your permission, therefore, I will append your note of the 16th to your “official” letter of the previous day.

The Professor's reply to the “official” letter was a motivated protest, in accordance with the legal advice, given to him. It reads:—

Peking, October 19th, 1868.

Your letter of the 15th instant demanding a full and explicit answer, which I have necessarily to delay for a while, I desire in the mean time to inform you of its receipt, and hereby to notify to you, that I cannot, and do not, accept any

1 A striking proof of that personal animosity, Mr. Hart gave by a *libellous* letter concerning the Professor, which he addressed on the 5th May, 1869, to the Rev. Mr. * * *, on requesting him to “assist in the safe conveyance of two family epistles”—one a long-delayed business-letter, the other an anonymous begging letter, the author of which not even knew how to spell the Professor's name,—to the latter, “who is (or was)” Mr. Hart writes to the Rev. Mr. * * *, “your guest”. The libel, in which Mr. Wade also appears to be involved, was as gratuitous, as it was groundless. But what more than anything else characterizes the writer, was, that he addressed his letter to the Rev. Mr. * * *, with the remark: “If absent to be opened by Mrs. * * *”

On the 12th May, the Professor wrote “officially” to Mr. Hart on the subject “The Rev. Mr. * * *”, he said, “on his return from a short excursion, has handed over to me a note, addressed to him by you with this remark on the cover: “If absent, to be opened by Mrs. * * *”. It accordingly was opened by Mrs. * * *, and its contents communicated to me; but I have preferred to have the letter placed at my disposal by Mr. * * * himself, before taking notice of it”. After alluding to “the claim for compensation, which I”, the Professor writes, “shall have to prefer at law against you, on, among other grounds, that of your having induced me—both directly and indirectly through your Secretary Mr. Campbell—by false pretences, wilful misrepresentations, and intentional suppression of the truth, to come to this country, and to accept the Chair of Astronomy and Mathematics in a University, which at the time had, and to this day has, no existence”: he goes on to say: “Considering that your letter to the Rev. Mr. * * * bears the manifest stamp of having been written with malicious intent and the object of injuring me, and that you have

of the propositions and statements contained in it; the former being unwarranted and inadmissible, the latter at variance with the facts of the case, and with truth.

Having thus reserved to himself perfect freedom of action, the Professor awaited the course of impending events connected with "the College", and, as ready and desirous as ever to come to a fair and amicable settlement with Mr. Hart, prepared for a legal alternative. Occasionally seeing, as he did, a Member of the Tsung-li Yamén, and now and then receiving the visit of some officers of the Palace, and other Mandarins, he soon ascertained that the Tsung-li Yamén knew nothing whatever of his "resignation" alleged by Mr. Hart, and that no Imperial Rescript had been applied for to cancel his appointment.

36. A year elapsed. The Professor had, during that interval, obtained much desirable information relative to the Inspector-General's true position and sphere of activity in China, and many valuable and interesting documents respecting "the College"; the administration of Chinese Maritime Customs, home and foreign; Celestial and non-Celestial Politics; and various other State-, Revenue-, and Legation-matters;—documents, of which he has transcribed a few, chiefly referring to the Burlingame Mission, in the preceding pages. "The College" was about to be "officially" re-transformed into the "T'ung-Wên-Kuan"; and the Inspector-General's long-

gone altogether out of your way for this purpose, its contents, by the laws of England, constitute a clear case of libel. Personally, I must confess that I should consider one farthing damages an ample compensation for anything, *you* can say against my moral character; but, having regard to your wealth and position, my legal adviser and an English jury might or may take a different view of the matter. However willing I have ever been to make allowances for you, I can permit neither.....; although I wish I could add, that I had felt surprise at your adopting to this end a course, *which no gentleman could have pursued*... Let me offer you the well-meant advice: keep in future your grudges against me to yourself. I shall soon have matters of graver import than the mere bubbles of your petty spite to settle with you, before the public of China and Europe; the Imperial Government of this country, in whose service I am and to whom I consider myself to owe duties, though, from a misplaced confidence in you, it has neglected its duties to me; the body of Foreign Ministers resident in this capital; and the Western Governments, whom they represent. Although the preparations are taking me longer than they could wish, they will hardly lose in efficacy by the delay".

In reply, Mr. Hart expressed all sorts of more or less equivocal and hypocritical regrets, "in explanation of the 'malicious intent' with which the Professor fancied he wrote his note", and on the sorry plea that, "not knowing whether the Professor were or were not still at Mr. * * *,...there might be no delay in the delivery of the letters": the which elicited from the Professor another letter, in which he stated that, for reasons given, he was unable to accept the idle defence set up for himself by Mr. Hart, and which in his (the Professor's) judgment, no honorable man should have attempted.

delayed visit to Shanghai had been decided upon. His presence at the seat of the Supreme Court would remove certain difficulties, connected with effective legal proceedings against him, which might otherwise have offered themselves. The time for action, therefore, had arrived, and the Professor addressed to the Inspector General the following letter :—

Peking, October 11th, 1869.

SIR,—Having occasion for the use of from twelve to fifteen hundred taels and your not having paid, since the 8th October, 1868, any money on account of salary, &c., due to me, I respectfully request, that you will be pleased to cause the sum named (or a larger one) to be handed over to me at your early convenience. I shall feel obliged by your letting me have five hundred taels in silver here, and the remainder in a cheque on the Oriental Bank Corporation in Shanghai.

At the same time I beg leave to suggest to your consideration, whether it would not be expedient, in the common interest and more especially in that of the Imperial Government itself, to come to a final understanding and arrangement respecting the differences pending between us as to salary and other matters, either, as I have already previously ventured to propose to you, by arbitration, or else without the intervention of any third person.

I desire, and never have desired, anything but what is fair, just and equitable, and if such a disposition be responded to on your part and that of the Imperial Government, I can perceive no difficulty in the way of a friendly adjustment, satisfactory to all; while, I doubt not, you will readily grant to me that, after three years of suspense and uncertainty, I am entitled to urge a positive solution, more particularly in view of the course, which affairs connected with the projected University and Astronomical Observatory, appear to be taking.

To this letter the following answer was returned by the Inspector-General's Acting Chief-Secretary, Mr. Wieters :—

Peking, 13th October, 1869.

I am directed by the Inspector-General of Chinese Imperial Maritime Customs to acknowledge the receipt of your letter to his address of the 11th instant, and to state, in reply, that if you will have the goodness to state the differences you allude to as existing, in the form of *questions* you propose to submit to arbitrators, for the Inspector-General's information, the Inspector-General will then be able to judge whether the matters they refer to could properly be dealt with by arbitration. I am further directed to add that, personally, Mr. Hart has no objection to arbitration.

The tone of this communication is fair enough; but, as will be presently seen, it was solely written in the hope of leading the Professor to commit himself in some manner or other, and furnishes but another illustration of Mr. Hart's habitual perfidy.

37. The following is the reply, which the Professor, desirous of preparing the way for an amicable adjustment of his differences with Mr. Hart, sent to the latter :—

Peking, October 16th, 1869.

In compliance with your desire, expressed through your Acting Chief-Secretary, Mr. Wieters, I hasten to state for your information, that the points of difference, I would propose for arbitration, resolve themselves into the following two questions :—

Firstly,—Under all the circumstances of the case—the terms of my original appointment; the assurances and prospects held out at the time in your name by your Chief-Secretary, Mr. Campbell; the post with which you were subsequently pleased to entrust me; the salaries paid by the Imperial Government to its foreign servants generally, &c.:—What is the yearly salary, to which, in justice and equity, my position under the Imperial Government fairly entitles me?

Secondly,—Under all the circumstances of the case, and considering that the projected University and Astronomical Observatory, to a Chair in, and the Direction of, which, respectively, I was appointed by you, have no existence, and that as yet no effective steps have been taken to insure the realisation of the project, which, on the contrary, would rather appear to have been abandoned:—What, under the latter supposition, or provided that, for the reasons stated, I desire to return to Europe, unless the plan in question be fully carried into effect within a reasonable space of time, will be the amount of compensation, to which, in justice and equity, I am fairly entitled?

There had arisen a third point of difference, against which I entered a protest at the time, and which I venture to hope has since been waived by you. But, if this be not so, a further question for arbitration would be:—

Was I ever, and if so, do I, or do I not, continue to remain in the service of the Imperial Government?

Permit me to add a few words to this statement. In seeking pecuniary remuneration, to which I consider myself to have a just and proper claim, I do not so from any mercenary motive or for any selfish object. If I were possessed of private means, I would gladly abandon every title of this nature, however high or irreputable. I urge my claims in the common interests of Science at large, to which I have devoted my life, and of Chinese Science in particular. My chief aim is, on the one hand, to enforce the recognition of a series of certain cosmical facts, first apprehended by me, and to mature the new system of Theoretical and Physical Astronomy, to which they necessarily lead; on the other hand, to establish, on astronomical grounds, the early chronology of China, and to write and publish, hereafter, a history of Chinese Astronomy and Mathematics in its connection with, and bearing on, the course of human civilisation.

Thus, once more, an opportunity was generously offered by the Professor to Mr. Hart “to withdraw from a false and untenable position” (35): but, once more, the Inspector-General, bent on his own course, neglected to profit by it.

38. A greater tissue of untruths and perversions of the truth, than is strung together by the Inspector-General of Chinese Maritime Customs, Mr. Hart, in his answer to the Professor's letter, invited by him, has probably seldom been fabricated,—fabricated with the manifest view of defeating justice, and wronging a fellow-man. We will here reproduce Mr. Hart's letter, long as it is, and perform the almost sickening task of exposing its wilful misstatements in a running commentary, taking the shape of foot-notes. Mr. Hart writes thus:—

Peking, 20th October, 1869.

§ 1. I have to acknowledge the receipt of your letter of the 16th instant to my address, in which, and having reference to your previous communication of the 11th instant, and the answer that was sent to it through the Acting Chief-Secretary, Mr. Wieters, you state that the points of difference, you would propose for arbitration, resolve themselves into the following questions:—

Firstly, under all the circumstances of the case,¹ what is the salary which, in justice and equity, your position under the Imperial Government fairly entitles you?

Secondly, under all the circumstances of the case,² provided that for reasons stated you desire to return to Europe, what will be the amount of compensation to which, in justice and equity, you are fairly entitled?

You add that a further question for arbitration might be:—Were you ever, and if so, do you or do you not continue to remain, in the service of the Imperial Government?

And in conclusion, you explain, that in seeking for pecuniary remuneration, you do so, not from any mercenary motive, but in the common interests of Science at large, and of Chinese Science in particular.

§ 2. In replying to the letter now under acknowledgment, I shall first of all narrate the circumstances, under which your connection with the Tung-Wên-Kuan³ began and ended.

§ 3. In 1861,⁴ H. I. H. the Prince of Kung and Their Excellencies the Associate Ministers of the Chinese Board of Foreign Affairs⁵ (of whom and

¹ & ² Does not Mr. Hart tacitly and by implication admit "the circumstances of the case", as specified in the Professor's letter of the 16th October above (37)?

³ The false premisses, upon which the Inspector-General starts, would of themselves vitiate the whole "narration". The Professor, since February, 1867, had no longer any connection with the University projected in 1866, and never had any real connection with the *T'ung-Wên-Kuan*, or language-school established in 1862. Such a connection, therefore, having had no commencement, could have no end. Mr. Hart fraudulently (21) substitutes, in his letter of appointment, the existing *T'ung-Wên-Kuan* for the projected University; and then, proceeding to narrate, makes his story to rest on that fraudulent substitution.

⁴ Mr. Hart had not even taken the trouble to ascertain, in what year the *T'ung-Wên-Kuan* was established. It took place in 1862.

⁵ The Tsung-li Yamén, to which Mr. Hart refers, is no more the Chinese Office of Foreign Affairs, in our sense, than our own Office of Foreign Affairs is our Colonial Office. Nor are the *Members* of that Chinese Commission, as such, "Ministers".

⁶ This is an untruth. Instead of "chiefly" read: exclusively (10), Mr. Hart, in his peculiar jesuitical and stealthy manner, is here endeavouring to falsely identify the *T'ung-Wên-Kuan* (10) with the projected "Additional School of Astronomy and Mathematics" (11).

⁷ This untruth is introduced by the Inspector-General with the same view, just referred to. The object of the *T'ung-Wên-Kuan* was not only, from the first, confined to the teaching of English, French, and Russian; but it is expressly stated to the Emperor by the Yamén, that, for reasons given, it is to remain so confined (10).

⁸ This is untrue. Mr. Hart had no such authority from the Yamén; the Yamén having no such authority itself (10). He appears to have had (private) oral instructions from certain individual Members of the Yamén (8) to engage (besides two new Professors of French and English for the *T'ung-Wên-Kuan*), a Professor or Professors for the "Additional School of Astronomy and Mathematics", then in contemplation (10; comp. also 13, 2).

⁹ This is untrue. See the preceding note, and the Yamén's first Memorial (10) By a stroke of his pen, Mr. Hart here metamorphoses the *T'ung-Wên-Kuan* into "the College" of Western Science and Learning. In trickery he is strong.

¹⁰ This, in connection with the sequel, is untrue; for it is positively stated in the Yamén's first Memorial, that "the youths then in the *T'ung-Wên-Kuan*" are to continue to give their undivided attention to the sole object of becoming "adepts in translating", and not to enter upon any other studies (10).

which I shall speak hereafter as the Yamén simply) established the T'ung-Wên-Kuan. Three classes were formed, composed chiefly ⁶ of lads selected from the families of Manchow Officers, and the French, Russian and English Languages were, as a commencement, ⁷ taught in them.

§ 4. In 1866, being about to visit Europe on leave, I was authorised by the Yamén ⁸ to engage the services of a staff of Professors for the College, ⁹ competent to carry the youths then in the T'ung-Wên-Kuan, ¹⁰ and such more promising students ¹¹ as might be induced to come forward, through such a complete course of study as should not only make them reliable interpreters, but open up to them, and to China through them, the intellectual resources and scientific discoveries of the West. ¹² It was left to my own discretion to determine the numbers ¹³ to be engaged, and to fix their salaries and allowances. ¹⁴

§ 5. The plan which I had proposed to myself to carry out, as being the one most likely to give the fullest effect to the Yamén's wishes, ¹⁵ led me to desire to find a person of German birth, ¹⁶ with a fair knowledge of the French and English languages, ¹⁷ for a chair which was to be devoted to the teaching of Mathematics at the commencement, but which would in the course of time, and

¹¹ An almost as unbecoming a description of the Hon. Mr. Burlingame's "great scholars of the empire" (3, comp. also Yamén's two Memorials, 10, 11),—of those "men who had", as Mr. Hart's letter of appointment to the Professor of English worded it, "taken high degrees in Chinese scholarship" (28), and were to attend the courses of scientific lectures, it matters little whether in the Inspector-General's "New Chinese University" or the Yamén's "Additional School of Astronomy",—as is the description, given of them by the Professor of English as "the waggish young fellows of forty and fifty" (28).

¹² This is untrue. The teaching in the additional school, proposed by the Yamén, was to be restricted to Mathematics, with a view to their application to military engineering, as proved by both Memorials (10, 11). Our passage, however, conveys at least an allusion to Mr. Hart's scheme for "the Regeneration of China" (21).

¹³ This is contradicted by the Yamén's first Memorial, and the fact, that it had provided accommodation only for three Professors (13, 2).

¹⁴ The more inexcusable Mr. Hart's refusal to "fix" the salary of the Professor of Astronomy and Director of the National Observatory of China in accordance with justice and equity; and the poorer his "discretion" in keeping it "commencing at" a tide-waiter's rate.

¹⁵ It is from this important passage, compared with the Yamén's Memorials, we learn out of Mr. Hart's own mouth, that his *University*-scheme was nothing but the *unauthorised conception of his own personal ambition*,—a false and extravagant version of what he *fancied*, or would have us believe he *fancied*, to be the Yamén's wishes.

¹⁶ Does the Inspector-General labour under the impression that "German birth" necessarily makes of every person an Astronomer and Mathematician? The impression would be about as well founded, we apprehend, as it would be to imagine, that *f.i.* "Irish birth" necessarily makes of every person a liar and a murderer. We are unable to follow Mr. Hart's logic.

¹⁷ Of what advantage would it be to "a chair, to be styled the chair of Mathematics and Astronomy", for its occupant, "*engaged to deliver (to Chinese scholars) his lectures in English*" (21), to possess a fair knowledge of German and French? And does, in Mr. Hart's judgment, a "fair" knowledge of the English language, on the part of a Professor, suffice to deliver in it a course of scientific lectures? Hardly; though such a knowledge may amply suffice for Inspectors-General of Chinese Maritime Customs, and "envoys of Chinese empire".

when the progress of the students should fit them for such higher studies, combine therewith the teaching of Astronomy, and the establishment and direction of an Observatory.¹

§ 6. When in London, in the summer of that year, 1866, you were introduced to me by Mr. Campbell, as possessing all the qualifications I desired for the chair referred to.² I explained to you, that, among the vacancies at my disposal in connection with the T'ung-Wên-Kuan,³ there was one which was to be styled⁴ the chair of Mathematics and Astronomy: that the salary was to be at the rate of £600 a year during the first five years, £800 a year during the second five years, and £1,000 a year after the tenth year;⁵ that £200 would be allowed for travelling expenses to China, and a quarter's salary advanced;⁶ that a house would, in time,⁷ be provided for each Professor: that, although styled Professor,⁸ the duties of the appointment at the outset would be of the driest, dulllest, and most laborious kind:⁹ that the Chinese students would have to be led from the very beginning—from 'one and one make two',¹⁰—and would demand great attention and exercise all your patience:¹¹ that among the

¹ The question here is not, what were the plans, which Mr. Hart had proposed to himself, and with which, of themselves, the Professor has no concern whatever: but what were the engagements, entered into by the former towards the latter.

² What Mr. Hart may have been told by his Secretary, previously to introducing the Professor, we know not; but, there were certain qualifications in connection with the Chair of Mathematics and Astronomy desired by Mr. Hart, the possession of which the Professor most emphatically disclaims.

³ This is untrue. The word *Tung-Wên-Kuan* was never mentioned by Mr. Hart to either of the Professors, engaged by him, in Europe. It first met their eye in his letters of appointment, and was taken to signify the College of Western Science and Learning, of which alone Mr. Hart had spoken to, and for which he had engaged them.

⁴ This is untrue, inasmuch as Mr. Hart did refer to "the Chair of Mathematics and Astronomy"—he putting the cart before the horse, see the Yamen's Memorial (10, 11)—; not to "one, which was to be so styled".

⁵ This is untrue. Between Mr. Hart and the Professor no salary was ever mentioned; nor were the rates in question ever referred to by Mr. Campbell (8, s).

⁶ The "advance" of a quarter's salary was, like the "allowance" for travelling expenses, mentioned to the Professor by Mr. Campbell, who stated the latter in reality not to exceed £130. Including extra freight for luggage, it did exceed £230. The "advance" was by the Professor understood to be an allowance for outfit, and, as compared with similar allowances for men of learning, a very niggardly one, moreover. Its repayment, however, was subsequently claimed by Mr. Hart, in the name of the Celestial Government, as a loan, and deducted from the Professor's salary at its "commencing rate".

⁷ This is virtually untrue. The house was to be provided,—furnished, as the Professor understood,—almost immediately; and the "furnished apartments at the Foreign Office", which, Mr. Hart stated, he had ordered to be placed in readiness for him, were to serve as a temporary accommodation only.

⁸ This is untrue. Mr. Hart's very grammar betrays him; or else were, perchance, "the duties", or was "the appointment" to be styled "Professor"?

⁹ This is untrue. See the Professor's letter of January 28, 1867 (21). Mr. Hart, as he frequently does, overshoots the mark of credibility *per se*, and forgets that he appointed the Professor to a "Chair of Astronomy and Mathematics" in the New Chinese University, by him falsely "styled" *T'ung-Wên-Kuan*. Besides which he chuses not to remember, that the Professor had, in February 1867, been relieved of

students, there would eventually be found some whose mathematical acquirements would fit them for Astronomical studies,¹² and that, in due time, an Observatory would be established, and all those things provided, which could be of use to the students or of advantage to the College:¹³ that there might be opposition to the College:¹⁴ and that it might be impossible, for a long time to come, to find the right kind of students:¹⁵ that the beginning would be very small,¹⁶—the work arduous and discouraging,¹⁷—and the result, if not poor, very far off in the future:¹⁸ that, if a success,¹⁹ the College could not fail to effect great things for China: that it was in the hope of what it might lead to, rather than in the certainty of its success as an institution, that encouragement was to be looked for:²⁰ and that, in view of Mr. Campbell's recommendation, I should accept you for the appointment, provided you thought it would suit you and felt prepared to undertake such work.²¹ You responded in almost enthusiastic language:—nothing could delight you more than to take part in such an enterprise:²² you would do anything, and put up with anything in order to make yourself useful.²³ On the 3rd August you applied for an appointment in

his *mathematical* duties; and that in *Astronomy* there are no elements "of the driest and dullest kind". He, therefore, "labours" here to no purpose.

¹⁰ This is untrue. The students of "the College of Western Science and Learning" were to consist of "the great Scholars of the Empire". Comp. also Note 9.

¹¹ This is untrue. See the two preceding notes.

¹² This is untrue. "The great Scholars of the Empire" were represented to the Professor as duly prepared to follow his course of lectures in English. See the Professor's letter of Jan. 28, 1867, above (21), and Mr. Hart's own admission, below.

¹³ If Mr. Hart understands here by the expression "in due time", as he must be supposed to do, some ten years (24): this also is untrue.

¹⁴ This is untrue; and an afterthought superadded to the text in Mr. Hart's original letter. In London, he expected as much "opposition to the College", as he expected the Massacre of Tientsin. He was "next to all-powerful" in Peking, his Secretary assured the Professor; and that "his influence had never been greater", he himself assured him, on board the "*Alphée*".

¹⁵ This is untrue. "The right kind of students"? Why, were not "*the great Scholars of the Empire*" the right kind? Were there not "*millions of patient scholars*" (4) to choose from? Did not "the most advanced scholars in the empire compete for the *privilege* of membership", and admission to "the New Chinese University", and the benefits of its "liberal Charter" (4)? Mr. Hart too modestly ignores here the *success* of his own "far-reaching plans", and "his influence in the (accomplished) *organisation* of an institution, so full of hope for the future of China".

^{16—20} These are as many untruths. Compare the Notes 11—12. Mr. Hart would, in addition to his narrating, take credit to himself for prophetic foresight, by the easy but hackneyed means of inditing a *vaticinium post eventum*.

²¹ This is untrue. Mr. Hart himself proves it to be so, by stating further on, that it was *subsequently* only, the Professor "applied for an appointment". He would not apply for an appointment, which had already been offered to, and accepted by, him.

²² Mr. Hart omits to state, that "the enterprise", of which he speaks, was the "great idea of the Regeneration of China, first conceived and proposed by *him*, and for the final accomplishment of which the College of 'T'ung-Wên-Kuan' (p. 639, Note 2) was to be founded" (21, p. 640, above).

²³ We only wonder, the Inspector-General failed to add, after "anything", the usual phrase "not menial". Poor Mr. Hart!—Shall we remind him of the Professor's sentence that "the ancient Astronomers of the Imperial Court ranked with the highest dignitaries of the State" (p. 641, above)? It is unnecessary. Having

a letter, of which enclosure No. 1 is a copy. I again impressed upon you¹ these four considerations: that you might have to put up with considerable personal discomfort during the first year or two, for I could only give you such rooms as served for quarters for Customs' students till a house could be found and prepared;² that your duties in the College would be rather those of a mere schoolmaster than of a Professor,—that, disagreeable, discouraging and laborious they must in the nature of things, prove, and that they yet would have to be undertaken by yourself personally, and be so carried on, until you could train some of the more promising students to take the drudgery of initial work off your hands;³ that subsequent arrangements,—Library, Observatory, &c.,—would depend upon the success or failure of the College;⁴ and that although I myself hoped for great and good results from the College, I might yet be disappointed.—Time alone would show.⁵ Besides, I explained to you very particularly that (although my plan proposed to put each class through a complete course in either the French or English language, in order to train up men thoroughly conversant with those languages, and therefore able to appreciate their literatures, keep pace with speculation and discovery, and transfer into Chinese whatever they might meet with likely to be of use in China,⁶ still) it would be

shown, that almost every individual sentence in the "explanations", which Mr. Hart alleges to have given the Professor, is positively untrue: the proof will presently be adduced, that the whole of the "explanations" themselves were simply invented by him; and that the interview, at which he asserts they were made, never took place.

¹ This is untrue. See the preceding note.

² This is untrue (9, 14). Mr. Hart himself states below, § 9 of his letter, and in contradiction with the passage, here, that apartments (completely furnished) had been prepared for the Professor at "the Foreign Office": and so directed also came his first letters to Peking from England.

³ All this is untrue. See the preceding Notes 9—12, p. 674—5, above. Courses of scientific lectures, such as the Professor was engaged to deliver (p. 642) to a class of Chinese Scholars of more or less eminence (10, 11), include no drudgery; and in the Professor's letter of January 28, 1867, the conditions of which were accepted by Mr. Hart on the part of the Chinese Government (20), he even expressly states, that "it will be necessary to assemble around the Professors of the (projected) College younger and less experienced men, to fit the students for the courses by private tuition" (p. 641, above).

⁴ This is untrue. See Notes 14—15, page 675, above. That no failure of "the College" was anticipated by Mr. Hart, when in Europe, is proved by his positively engaging the Professors of Chemistry, of English, and of French at salaries, increasing from £600 a year for the first five years, to £800 a year for the next five years, and £1000 a year thereafter, i.e. for life.

⁵ This is untrue. See the preceding note. Mr. Hart translates here "the Regeneration of China" into "great and good results hoped for by him from the College"; and admits even his hopes to be liable to disappointment,—“Time alone would show”. Truly, his *timely* modesty is quite exemplary.

⁶ We fear Mr. Hart's acquaintance both with the "literatures" of France and England, and the wants of China, must be restricted to the last degree. *Deus vult*, he admits here that he represented to the Professor the students, who were to attend the Astronomical (and Mathematical) courses in English, as efficient English scholars, duly prepared to follow those courses.

⁷ This is untrue. No such "duty" was imposed on either of the Professors originally engaged by Mr. Hart; certainly not on the Professor of Astronomy. What Mr. Hart did remark to him, has been related above, p. 634 and Note 4.

the duty of each Professor to study Chinese,⁷ so as to meet his pupils half-way, and complement by explanations in their language, what they had failed to understand as taught in his, and in order, too, to be able to make researches in China, and transfer from Chinese into either English or French, whatever he might meet with calculated to be of use in, or of interest to the West.⁸ I added that, quite possibly, you might have nothing to do for two or three years but study Chinese, but that that employment of time would only fit you the more for your duties when work once really commenced.⁹ You said you understood me perfectly, and again gave expression to the interest you already felt in the work, your determination to assist me in every way, and your readiness to put up with every discomfort and discouragement.¹⁰ It was thus that it came to pass, that you were appointed to the *Chair of Mathematics and Astronomy in the T'ung-Wên-Kuan*.¹¹ Enclosure No. 2 is a copy of the letter of appointment which was sent to you, and enclosure No. 3¹² is a copy of your reply accepting that appointment under the Imperial Government.¹³

§ 7. Mr. Campbell will doubtless remember, that all the foregoing points were carefully explained to and impressed upon you, as well as that they were fully understood, and even thankfully accepted by you.¹⁴ In this connection I

⁸ This is untrue. To none of the Professors, "originally" engaged, was it ever hinted, that they "would be expected" by the Celestial Government, to translate Chinese works into, or to compose original works on China in, their own languages. The very idea of such expectations is preposterous.

⁹ This is untrue. What was observed by Mr. Hart, will be seen above, p. 634. See also p. 607, and Note 5.

¹⁰ This is untrue. The "discomfort" of a set of furnished apartments "at the Foreign Office" in the Capital of China, and the "discouragement" of a New Observatory and a high position, held out to him in London, appeared to the Professor quite bearable.

¹¹ Mr. Hart forces us to repeat, oftener than we could wish, that the *T'ung-Wên-Kuan* or Language-School, established in 1862, was by him *fraudulently* substituted, in his letter of appointment, for the projected College of Western Science and Learning, to Chairs in which he had nominated the Professors.

¹² See the letter above, p. 607, Note 3.

¹³ The letter, written under the impressions alluded to above, pp. 606—7 and Note 2—4, reads as follows:—

I have the honor to acknowledge the receipt of your letter of the 15th instant, informing me that I have been selected for appointment to the Chair of Mathematics and Astronomy in the *T'ung-Wên-Kuan* at Peking, at a salary commencing at the rate of Eighteen Hundred Haikuan Taels a year (£600 stg.) from the date of my departure from Europe; inclosing a cheque on the Oriental Bank Corporation for the sum of Three hundred and Fifty Pounds, Two hundred pounds being allowed for passage out, etc., and the remainder being a quarter's salary in advance; and requesting me, on my arrival at Peking, to report to you.

Permit me to take this opportunity of assuring you, how fully sensible I am of the responsibility of the Office and the trust, thus reposed in me, and that it will at all times be the object of my earnest and conscientious endeavours to faithfully discharge my duties, and to give satisfaction to the Imperial Government of China in every respect.

¹⁴ This is, perhaps, one of the most significative passages in Mr. Hart's letter, as will be seen hereafter. The whole first interview between him and the Professor lasted little more than ten minutes. He was much preoccupied with preparations for his approaching marriage and return to China, and sample-bottles of wine for tasting

think it right to send you, as enclosure No. 4, an extract from a letter subsequently written to a gentleman when offering for his acceptance the chair of English, in order to show that I held the same language to all, as to what I expected Professors to do to enable the College to achieve success, and that that language was not in any way calculated to mislead or deceive any one as to either his own work, and emoluments, or the position and prospects of the College.

Before we proceed to transcribe the remainder of Mr. Hart's letter, we will subjoin a copy of the Enclosure, to which he refers. He designates it as "subsequently written"—subsequently to his interviews with the Professor of Astronomy in London—but *falsely* leads to the inference, that it was addressed to the gentleman, appointed in *Europe* to the Chair of English Language and Literature (15).

39. The Extract in question reads literally thus:—

Extract. Enclosure No. 4.

The duties of yourself and colleagues, the other Professors, will differ materially from those of the occupants of similar Chairs in European Colleges and Universities.¹

In Europe the students pass a matriculation examination before they take their places in the Professor's Lecture Room, and are to a great extent prepared for the course of lectures about to be attended.² In China the work will be of quite another character, but the, from a European point of view, more honorable appellation of Professor will be accorded to the gentlemen appointed to superintend the studies of the various classes in the T'ung-Wên-Kuan—an institution that may in a few words be described as established by Imperial Decree for the teaching of Western Arts and Sciences.³ The students will chiefly be men of from Twenty to Thirty years of age, selected by competitive examinations from such as have already taken high degrees in Chinese scholarship; but they will present themselves totally unacquainted with the English language, and they will have to begin from the very beginning, and advance from the A. B. C. of the language—more or less slowly—to a thorough comprehension of all that is worth reading in its literature, and of all that is worth knowing in the arts and sciences as practised and cultivated by both scientific and practical men in the countries where the English language prevails.⁴

covered every table in the room. Mr. Campbell took no part in the conversation, did not even sit down, and left almost immediately. He could hardly have distinctly heard anything, except the first few words, of what was said.

¹ This remark could not apply to the Professor of Astronomy, partly because the duties, undertaken by him, were identical with those of the occupants of similar Chairs in European Universities; and partly, because they had already, when the remark was penned, been restricted to the projected Observatory (20—22).

² Could "Chinese scholars, who have taken high degrees" possibly be considered, by a European not acquainted with China and Chinese scholarship, unprepared for courses of University-lectures?

³ This is untrue. The T'ung-Wên-Kuan was by Imperial decree established for the sole purpose of educating Chinese youths to become French, English, and Russian interpreters (10).

⁴ What Mr. Hart here "expects" a teacher of English or French in China to perform is truly astonishing. We fear, the Council of Belfast College, to judge from some of the students it has turned out, must have been extremely remiss in appoint-

Your duty will, therefore, be of a kind which will at the first be both laborious and uninteresting, but it will become easier and more agreeable in proportion as the students advance in their knowledge of the language, and in proportion as you are able to make use of the more advanced to assist you in the rudimentary instruction of the new classes that are to be formed each year.⁵

You will be expected to acquire a competent knowledge of Chinese, both written and spoken, so that, in the course of a few years, you may be able to give explanations and lectures in Chinese, and assist in making or superintending such translations from the one language to the other as may be called for; ⁶ your duties at the College will occupy you at least six hours daily.⁷

True Extract:

(Signed) AUG. WIETERS,
Acting Chief-Secretary.

The essential elements of any letter, or any Extract from a letter, intended to serve as a legal proof, are the date of the letter and the person, to whom it is addressed. In all other cases, Mr. Wieters has not failed to duly state these elements. Here he has omitted them, because the letter was addressed, not, *as Mr. Hart would have it appear*, to the Professor of English engaged by him in England, before his return to Peking, when he never doubted the success of his University-scheme; but to the *successor* of that gentleman, engaged by him in China, long after his return to Peking, when the scheme in question had exploded, although, with a view to the Burlingame Mission, he is here still endeavouring to keep up the farce. Mr. Hart, therefore, must have *instructed* his Acting Chief-Secretary to omit the two elements alluded to, *for the purpose* of enabling him to adduce the Extract as a proof that "he held the same language to all the Professors (engaged in Europe and China), as to what he expected them to do *to enable the College to achieve success*, and that that language was not in any way calculated to mislead or deceive any one as to either his own work and emoluments, or the position and prospects of the College". We need not remark,

ing—we mean no offence to *Dr. Meissner*—proper persons to the Chair of Modern Languages in that College.

⁵ This is untrue, inasmuch as Mr. Hart asserts that he employed the same language to the Professor of Astronomy. He seems unable to comprehend that English Parsing and Spelling are one thing, and Theoretical and Practical Astronomy another.

⁶ If Mr. Hart be great in nothing else, he is so in what he "expects" of the school-masters, "styled Professors", of the New Chinese University of Western Arts and Sciences. We have never heard of any foreigner, however long he had lived in China and however earnestly he had devoted himself to the study of the written Chinese language, who had acquired a competent knowledge of it. Few, very few natives can boast of such a knowledge. Mr. Hart's remark shows, that he himself knows next to nothing of that language. It is untrue, that he told the Professor of Astronomy in London, what he "subsequently" wrote to the Professor of English in China.

⁷ It is untrue that Mr. Hart, as he asserts by implication, made to any of the Professors engaged by him in Europe, a proposition so preposterous: certainly, he took good care not to make it to the Professor of Astronomy.

that such a "proof" would of itself be an utterly fallacious one; because it follows by no means that, what a person may have stated to Peter, he should necessarily have stated to Paul also; and that, however ignorant of scientific matters we may suppose that person to be, he should have been foolish enough to lay down the same rules for instruction to a teacher of the "A. B. C." of the English language, and to a Professor of Astronomy. The real points, to which we would call attention, are that *the only written proof, which Mr. Hart has to adduce, and adduces, in support of his mendacious statements, is itself a mendacious one*; that it is solely on the ground of this one tricky "proof", that he attempts to exculpate himself—by assertions, nearly all of which we have shown to be simply untrue—, from the charge of having wilfully misled and deceived the Professors engaged by him in Europe, notably the Professor of Astronomy; and that, by implication, he lays the blame of the failure of "the College"—an institution, which has never existed save in his own imagination and hopes—, on the Professors, notably on the Professor of Astronomy, for not doing what he (Mr. Hart) "expected him and them to do". *Somehow or other* the latter theory has even found its way into the newspapers of England and America; not to speak for the present of the Tsung-li Yamèn.

40. We now resume our transcription of the Inspector-General's letter, interrupted by its "Enclosure No. 4", together with our comment:—

§ 8. I knew that you held views differing from those generally accepted, but I thought that that was no disqualification; it was evident that many years

¹ This is untrue (19, 4). Mr. Hart was called upon to produce, at the subsequent trial, the Professor's private letter to him of August 17, 1866; but declined to do so.

² This is a complete perversion of the truth. What Mr. Hart consented to, was the Professor's teaching his own system, while explaining the differing views prevailing in Europe.

³ What a comment upon this passage Mr. Hart's subsequent conduct towards the Professor does present!

⁴ We apprehend, the only interest with which the Professor inspired the confidential adviser of the Tsung-li Yamèn, was based on the hope, that his *poverty* and his "genius" combined, would make him, in *Mr. Hart's hands*, "a valuable assistant in such a field as was before them in China", i.e. a willing and effective instrument, and one as unscrupulous as the Inspector-General is himself, of his ambitious and disloyal *political* schemes. He found himself mistaken.

⁵ Mr. Hart, we presume, meant to have written: travelling-companions.

⁶ This is untrue. See above, p. 676, Note 2.

⁷ Mr. Hart would have it be inferred, that native teachers were engaged for the Professors at the expense of the Chinese Government, so as to make it appear, that the Professors "began to study the Chinese Language" as a matter of duty, instead of as a matter of choice. Such was not the case. For the Customs Students, some Commissioners of the Customs who had been ordered up to Peking to study Chinese.

would pass before any class of students could be sufficiently advanced to enter upon those studies where peculiar views might be harmful, and you besides undertook to teach in your classes nothing but science as accepted generally by the scientific world.¹ Indeed, I recollect remarking to you, on some subsequent occasion, that, while your teaching must be orthodox, I could see no harm in your telling your class that, although such and such were the accepted opinions, still there were some (yourself among them) who, for such and such reasons, held other views.² Believing you to be a man of genius and original research, and who had battled bravely against the world in the cause of science,³ you inspired me with a certain amount of interest, and I felt inclined to hope that your very peculiarities would only make you a more valuable assistant in such a field as was before us in China.⁴

§ 9. Towards the close of 1866, you were one of those who accompanied me on my return to China. On arrival at Peking, I found that neat and extensive buildings had been put up for the T'ung-Wên-Kuan in my absence, and that the Yamên's interest in it had increased greatly; the buildings were unfortunately of the Chinese kind, and unfit for Europeans to reside in, so that you and your companions,⁵ as I had prepared you for, had to be accommodated with such quarters as I had at my disposal in the Students' Court,⁶ where, teachers having been engaged,⁷ you all began to study the Chinese language. In December I requested each Professor to draw up a Memorandum, giving his views generally as to what he thought the cause of education in China most required,⁸ and having special reference to the course each would suggest for adoption in his own particular department. I did this in order to procure information and elicit suggestions,⁹ and also to direct the Professor's thoughts into special channels.¹⁰ Each drew up for me¹¹ a more or less elaborate Memorandum in reply. I append a copy of the letter you addressed to me on that occasion, dated 28th January, 1867, Enclosure No. 5,¹² and I would recall your recollection to those parts of it in which you draw out a scheme for a course of Mathematics,—state that you could not expect to be assisted by any foreign teachers,¹³ but would suggest the employment of senior students for the tuition of the juniors,—point out how desirable and necessary it would be for the Professors to acquire a useful knowledge of the Chinese language before commencing

and the Inspector-General's *Chinese Secretary*, teachers were engaged by him and paid by the Customs; but the Professors, who engaged their own teachers, also paid them themselves.

⁸ This is untrue, so far at least as the Professor of Astronomy is concerned. The "requirements of the cause of education in China" were, officially at least, no business of his. He had been desired by Mr. Hart "to submit to him his views solely in regard to his own department in the projected College". See above, p. 641.

⁹ Mr. Hart we presume, only *forgets* to add: for the Chinese Government.

¹⁰ Really, the Inspector-General can at times be quite amusing.

¹¹ Not so. Though the Memorandum of the Professor of Astronomy was addressed to Mr. Hart, as the medium of communication between himself and the Chinese Government, it was drawn up by him for the information of the Imperial Government. See above, p. 641.

¹² See Extracts from the letter above (21). Mr. Hart is remarkably obliging to furnish the Professor with copies of his own letters, prepared for legal use, and as that anxiety to oblige forms quite a startlingly novel feature in his character, it is apt to create suspicion.

¹³ This is untrue. The Professor's words, in diametrical opposition to what Mr. Hart asserts, are these:—"I need hardly call your attention to the circumstance that no one, charged moreover with astronomical duties, could undertake so much tuition

to teach,—and insist on the advisability of moving slowly, in order that the Professor might have time to acquaint himself with the state of science in China &c., &c., &c.¹ I call your attention to these points, to remind you that I had undertaken to teach Mathematics² and to acquire Chinese,³ as well as to remind you that you yourself were averse from haste, and were of opinion that we ought to proceed slowly and deliberately.⁴

§ 10. In February, 1867, the Yamén's famous second Memorial appeared. Hsiu-chi-yü was named Minister, and charged with the administration of the College;⁵ and Wo-jên and his party began to offer active opposition. In this Memorial, the Yamén went beyond my most sanguine hopes,⁶ and expressed itself more loudly in favour of the college,⁷ &c., than I should have thought

(as assumed by the Professor): nor need I apprehend it to be the desire of the Imperial Government to impose the laborious task of a country-schoolmaster, in intellect and knowledge not greatly above his pupils, on men of Science advanced in age, with whose superior duties, attainments, and position, as well as with the character and best interests of the College itself, a similar task is irreconcilable. In the supposition, therefore, of a half-yearly or yearly admission of pupils to the College, it would be necessary that, *since a Professor of Mathematics, consistently with efficient teaching and a proper supervision of the whole of his department, can take charge of one class only, that assistant masters be appointed to aid him*". Compare also p. 642, the second paragraph, above. We may remark, moreover, that, what the Professor proposed relative to the method of teaching Mathematics, was not written with a view to himself: as he had determined to return to Europe, if his condition of being relieved of the Mathematical Chair had not been accepted.

¹ This is a complete perversion of the truth, (p. 642), with the view of creating a false impression. The argument here adduced by Mr. Hart places the weakness of his reasoning powers, his illogic, and the meanness of his casuistry in a characteristic light.

² It will be noticed that Mr. Hart himself quotes the Professor's letter of January 28th, 1866, as documentary evidence. His answer to the Inspector-General's letter of appointment would have been, however, the more appropriate document to be here cited in support of the fact, never disputed by the Professor, that he had *originally* undertaken to teach Mathematics. Mr. Hart's memory proves too "far-reaching", backwards, on this occasion. It should have reminded him of the more recent changes in the occupancy of the Chair of Mathematics, introduced partly by himself on behalf of the Chinese Government, partly by the Tsung-li Yamén (20—22; p. 657 and note; 30).

³ This is untrue (p. 642). The Professor remarks to the effect, that he had not undertaken to acquire Chinese; but suggests the expediency of the contemplated lectures being given in Chinese, *instead of English as stipulated*,—a mere suggestion, and one which was not accepted.

⁴ Why? Because the Professor had already then found out, that there existed neither College-buildings nor College-students, and the "expected pupils, he was given to understand, were as yet thoroughly unacquainted with any but their own idiom" (p. 642): because, in short, Mr. Hart had induced him to start, "without delay", for China under impressions *utterly at variance with the true state of matters*. But, although, the Professor proposed a wise delay in the opening of the courses of lectures in English, which no student could have understood: he urged the *immediate* erection of the promised New Observatory, and the *indispensable* formation of the promised Scientific Library—which propositions were "officially" accepted by Mr. Hart in the name of the Chinese Government.

expedient.⁸ The Memorial was premature, as events have proved; it evoked a species of opposition, which, to this day, tells against the College.⁹

§ 11. In May I began to find houses for the Professors, and in succession purchased six, five of which were fitted up,¹⁰ the one now occupied by Mr. *** having been intended for yourself.¹¹

§ 12. It was about that time, that you began to say how much you should like to commence the formation of a library, and prepare for the establishment of an Observatory. I replied that the time was not ripe for either one or the other: that both would come in due course, and that I was unwilling to attempt to hurry on such matters, before library and observatory were actually wanted.¹² You recurred to these subjects on several occasions, and began also to complain

⁵ *This is untrue.* S'ü was not named "Minister", and was not charged with "the administration of the College", but with the "Superintendence of the Affairs of the School and Languages and Literature (T'ung-Wên-Kuan)". In February, 1867, not even the proposed "Additional School of Astronomy and Mathematics" had so much as a shadow of existence. "The College" was contemplated by Mr. Hart alone.

⁶ Who could, after this, accuse Mr. Hart again of sanguineness? But, if the Yamên's second Memorial (11) *did* go "beyond his most sanguine hopes": *what an irresistible proof it furnishes of Mr. Hart's wilful misrepresentations of even the Yamên's intentions, of the wilfully-false construction put by him upon the Yamên's "wishes"!* To what a palpable fraud it reduces his "College of Western Science and Learning", and, in connection with it, his scheme for the Regeneration of China! Out of his own mouth he stands here condemned.

⁷ This is untrue. There occurs not so much as an allusion to a "College (of Western Science and Learning) i.e. a University in either of the Yamên's Memorials (10, 11). They speak exclusively and simply of an "Additional School of Astronomy and Mathematics".

⁸ Compare Note 6, above; and page 675, Note 16—20.

⁹ When Mr. Hart wrote this, "the College" of his imagination has long since been doomed to destruction, "in embryo" (p. 655), by that peculiar "species of opposition", on the part of "a rabid and obstinate old man" (12), which leaves even no ruins behind. The re-organized classes of English and French, which were to have provided students for the "Additional School of Astronomy and Mathematics" under Western Professors had collapsed; the latter had merged into an "Additional School of Mathematics" under a native teacher; his "Eighteen Rules"-attempt at resuscitation had failed (28); and half a dozen youths of the old Yamên school, was all there remained in the English Class—the French could not boast of so many—in the T'ung-Wên-Kuan (27), established in 1862. Yet, Mr. Hart, unblushingly, represents "the College" i.e., "the New Chinese University" still as existing, nay,—on reading his words in connection with Dr. Martin's "Dedication" (p. 600), we should infer,—in a flourishing condition, *in spite of* the opposition of Wóá-Jên, by him kept quiet at "the Foreign Board" (12).

¹⁰ The number of five Professors, for whom, Mr. Hart tells us, he had houses fitted up, includes, we presume, the Professor of Hermeneutics, Political Economy, and International Law; but if so, he never inhabited the house which had then been destined for him. If we are correctly informed, his private residence is still at the Mission-house, while his official residence is within the Yamên.

¹¹ For an amplification of this somewhat laconic statement, see above (32). The house was for the Irish Professor II of English rendered at least inhabitable.

¹² A true account of these conversations is given above (22—24).

that your position was not what it ought to be,¹—that the house intended for you was uninhabitable,²—that your salary was only equal to the pay of a third class clerk in the Customs,³ that that in itself was a degradation,⁴ considering your abilities, and your position and attainments as a man of science,⁵—that Professors in Germany had three or four thousand pounds a year,⁶ &c., &c., &c.—and you eventually became so pressing that I thought it necessary to put my reply on paper, so that there might be no further misunderstanding. I accordingly addressed you the letter of which enclosure No. 6 is a copy, on the 22nd October, 1867.⁷

§ 13. In April or May, 1868, you again began to complain, and, about that time, I told you, that, although it had been my wish to do so, I could not let you off your engagement to teach Mathematics.⁸ You said you were being treated unkindly and unjustly, and positively refused to carry a class through a course of Mathematics;⁹ you further declared that it was no part of your duty to study Chinese,¹⁰ although you gave me to understand that you still continued the study of that language after your own fashion,¹¹ but with so little result as to be very discouraging to yourself.¹² In May and June we had some three or four conversations on these matters; on each occasion, you professed great personal friendship for myself,¹³ and I told you truly that it would be a source of great pleasure to me to be able to give effect to many of your wishes, and to see

¹ This is untrue. The Professor's nominal position as Director of, and Professor of Astronomy at, the National Observatory of China, was all he could desire.

² Why the house, at first "intended" for him, so at least Mr. Hart assured the Professor, was a perfect little *fu*. For reasons of his own, the "Agent of the Chinese Government" makes a chronological jumble of his narration.

³ This is untrue. The Professor neither knows, nor cares to know, what the pay of a third class clerk in the Customs is. He knew, however, from a letter of Mr. Hart's, published in the American Blue-Book, that the salary of a *tide-waiter*, "procured from among seafaring men", is as much as £600—(p. 660 above, note 1); and he simply insisted, that the promises, made to him in London by the Inspector-General's Secretary on his behalf, should be carried into effect, in accordance with justice and equity.

⁴ This is untrue. To "a man of genius, who has battled bravely against the world in the cause of Science", not even absolute want would be a degradation: it would be a degradation to those, who had allowed him to remain in poverty.

⁵ This is untrue. What the Professor urged, was that his position as Director of the National Observatory of China, and Professor of Astronomy, *fully* entitled him in China to the salary of £2,000 a year, claimed by him from the first.

⁶ This is untrue,—unhappily so for the numerous tribe of "Professors in Germany". The Inspector-General, not content to tell untruths, invents them, moreover, and puts them in the mouth of the Professor.

⁷ See the letter, together with its commentary, above, pp. 467—9.

⁸ This is untrue. The *only* two occasions on which Mathematics were mentioned between the Professor and Mr. Hart, in China, were those in February, 1867, when the Inspector-General, in the name of the Chinese Government, *relieved the Professor of the Chair of Mathematics*, to which, in his stead, Dr. J.n (p. 20—21, note 6, p. 637), and afterwards Mr. Li (27, note 1, p. 656, 30) were appointed; and in the beginning of June, 1868, when, *under the circumstances previously related* (31), Mr. Hart asked the Professor: whether he would be willing to *again* accept that Chair?

⁹ This is untrue. Mr. Hart's assertion, like that, which forms the subject of the preceding note, is a pure invention of his.

¹⁰ This actually is true; only that in the conversation here in question, Mathema-

yourself happy and contented, but that I must continue to be guided—not by your wishes or my own, but by the advances made by the College, and the requirements of its students.¹⁴ I again told you distinctly that I should expect you to go on with the study of Chinese, and that you would be required to teach Mathematics as soon as a class could be got ready to attend your lectures. I added, on your again expressing your resolve not to teach Mathematics that, if you were determined not to study Chinese, and had made up your mind not to teach Mathematics, the utmost I could do for you would be to obtain for you a year's pay and provide you with a passage home. You will remember that I gave you some days to think the matter over, and that you shortly afterwards came to my office and said that you would not consent to teach Mathematics, and that you had made up your mind to accept the offer I had made, and go away; you then said that the hot season was just commencing, and requested to be allowed to be considered to retain your appointment to the end of September, to which request I assented—adding that, at the end of September, an allowance, equal to a year's pay, would be issued to, and a passage home provided for, you. The conversation just referred to took place on the 11th June, 1868:¹⁵ Mr. Campbell was then still in Peking, and will doubtless recollect that an understanding, to the effect just stated, had then been arrived at by you and me.¹⁶ You told me you thought I was neither generous nor just in what I

tics were not even alluded to. It has been already shown that it was no part of the Professor's duty to study Chinese. He studied it, because it was his choice; and told Mr. Hart so.

¹¹ The Professor's "fashion" was that of a scholar and a man of Science: Mr. Hart's fashion that of a parrot. The object of the former was to obtain a knowledge of the Chinese written language; that of the latter to obtain a certain command of the spoken vernacular of Peking.

¹² This is untrue. Whether the Professor had any cause to feel particularly discouraged at the little result of his Chinese studies, the preceding pages 33—144, 160—170, 238—263, will enable the reader to decide for himself.

¹³ This is untrue. The Professor might, and would, as soon have thought of professing great personal friendship for Mr. Hart, as he might, and would, for a log of wood. What he did profess, was goodwill towards, and consideration for, Mr. Hart; and to what an extent he has carried, and even now is carrying those feelings, in spite of the Inspector-General's personal animosity against him, he has proved by his acts, and is further prepared to prove, *should the necessity present itself*.

¹⁴ "The College" never existed; and the Professor persisted, that Mr. Hart should guide his conduct towards him, not by "the requirements of the students", but by the engagements he had entered into.

¹⁵ Nearly every syllable of all this is untrue,—wilfully untrue. Of studying Chinese and teaching Mathematics not a word was said. *The first time, the Professor ever heard of his alleged refusal to perform his alleged duties, was from Mr. Hart's letter of October 20th, 1869, here commented upon, i.e. sixteen months after date.* Mr. Hart would seem to have invented the story about one month previously. For a true account of the interview in question, see above (33). We shall revert to the subject.

¹⁶ This is another remarkable passage in the Inspector-General's letter (comp. p. 677, Note 14). True, his Secretary, Mr. Campbell, was then still in Peking; but Peking is a city of twenty miles in circumference, and Mr. Campbell, *not being present at the interview in question*, could, therefore, not recollect what passed at it. It is the extraordinary powers of recollection, here so confidently "expected" by the Inspector-General from his Secretary, to which we would call attention.

proposed to do for you, but, while you expressed a hope that I might be able to treat you more liberally, you gave me clearly to understand that you positively could not teach Mathematics, and that you did accept the alternative I had offered.¹

§ 14. At the end of September, the Acting Chief Secretary wrote to enquire how you would like to draw your special allowance,² here or elsewhere, and the amount was then paid over to you in the manner suggested by yourself. You thereon wrote to ask me whether the allowance, that had been issued, was an annual addition to your salary, adding that, supposing that to be the case, although it would afford you sincere pleasure to think that I had more favorably entertained your views, you must yet protest against the inadequacy of such pay, your position, claims and standing considered. I then addressed an official letter to you, of which enclosure No. 7 is a copy,³ informing you that the additional sum was the special allowance relative to which we had come to an understanding on the 11th June, and adding, to guard against further misapprehension, that your connection with the Tung-wên-kuan had, as previously agreed on, terminated on the 30th September. You rejoined, as in enclosure No. 8, that you could not accept any one of the propositions or statements contained in it.⁴ Further than instructing the Commissioners of Customs at Tientsin and Shanghai to provide you with a passage home on your presenting yourself, I took no action in the matter, for, in issuing that special allowance, I simply gave effect to the understanding we had arrived at on the 11th June.⁵

§ 15. At the end of September 1868, the matter, then, simply stood as follows:—in 1866 you had accepted an appointment to the Chair of Mathematics and Astronomy in the Tung-wên-kuan;⁶ you came to Peking, undertaking to teach Mathematics and study Chinese;⁷ in 1868, you refused to teach Mathematics,—that is you refused to perform that part of the contract which it was yours to perform, and which your acceptance of the appointment necessarily implied;⁸ you were thereon given your choice between recalling that refusal and carrying out your contract, or withdrawing from your appointment and receiving as an allowance, a year's pay and a passage home;⁹ given ten days¹⁰ for deliberation, you at once reiterated your refusal to teach Mathematics, and elected to

¹ This is untrue. No alternative was offered by Mr. Hart; because there was none for him to offer. No refusal to teach Mathematics was made; because not only had the Professor long since been succeeded in his Chair of Mathematics by another gentleman, who, in his turn, had been succeeded by a native teacher; but there were, moreover, neither students to teach, nor "College", to teach them in. Mr. Hart simply, in the event of the Professor resigning his appointment, which he did not do, and never intended to do, made him an indefinite offer of compensation, the very monetary value of which was not even fixed.

² There is no question of "your special allowance" in Mr. Wieters' letter (34).

³ See the letter reproduced above, (35).

⁴ Mr. Hart should have added: "as at variance with the facts of the case and with truth" (p. 669).

⁵ It is not true, that Mr. Hart, as implied by him, instructed the Commissioners of Customs at Tientsin and Shanghai to provide a passage for the Professor, any more than he informed the Tsung-li Yamén of the Professor's alleged resignation, at the time. Fifteen months later only he wrote, on the subject, to the Yamén a letter, which, after all, admits that the Professor's return to Europe was talked about, and only talked about, between them. See below.

⁶ Mr. Hart omits to add, after the word *Tung-wên-Kuan*:—"fraudulently substituted by the Inspector-General of Customs in his letter of appointment for the projected College of Western Science and Learning, to a Chair in which he had nominated the Professor".

throw up your appointment and accept a year's pay and a passage home :¹¹ you did express a hope that I would do all I could for you,¹² and I replied that I had already gone beyond what I thought your case called for, in promising you such an allowance and a free passage ; and, although you requested to be regarded as holding the appointment to the end of the Summer,¹³ and actually did draw pay to the end of September, you virtually, and beyond all denial, resigned your appointment in the T'ung-wên-kuan on the 11th of June, last year.¹⁴

§ 16. Having now narrated the circumstances under which your connection with the T'ung-wên-kuan began on the 15th August, 1866, and ended on the 11th June (30th September) 1868.¹⁵ I proceed to make a few remarks in reply to the letter under acknowledgment.

§ 17. First of all, I ought to explain, that, according entire credit to the assertion with which your letter concludes, that you are not animated by mercenary motives and have no selfish object in view, I have been forced to pen the long narrative that precedes, by the fear that either your memory has failed to serve you right,¹⁶ or that, in drafting the questions you would propose for arbitration, you have banished from your mind all thought of the circumstances by which my action has throughout been guided. and have mistaken what you would like, for what I ought to do.¹⁷ Your wishes, too, in respect of the mode of settlement you propose, have been entertained by you without, I fear, a due consideration of one fact, fatal to the idea of arbitration : where personally concerned, and if acting in my private capacity, I should have no objection to submit my doings to the criticism of, and settlement by, arbitrators ; but, happening to hold an official position, and being in that respect, the agent of the Government I serve, where I have acted officially my action has been official and not personal, and, my position being that of the Agent of the Chinese Government, it is evident that that official action, taken for, and being within the authority and powers vested in me for certain purposes by, that Government, could not be a fit subject for such arbitration as you propose,¹⁸ for I, the agent, have not been empowered to bring my principal, the Chinese Government, under whose orders I serve and by whose authority I act, into

⁷ This is untrue. The Professor had not undertaken to study Chinese. Mr. Hart would appear to think, that endless reiterations of an untruth can impart to it the force of truth.

⁸ This is untrue. Comp. the concluding sentence of preceding note.

⁹ This is untrue. Comp. the concluding sentence of Note 35, above.

¹⁰ Mr. Hart's "recollection" seems to grow more distinct with time. His "some" days above, here become "ten" days. No "ten days" were mentioned by him.

¹¹ This is untrue. Comp. the concluding sentence of Note 7, above.

¹² After the Professor had "accepted" Mr. Hart's "alternative" !

¹³ See above, page 685, note 15. Comp. also article (33).

¹⁴ It is "beyond all denial", we opine, that, considering that the Professor never held an appointment in the T'ung-Wên-Kuan, or "Language-School", established in 1862, but a Chair in the "University" projected in 1866, he cannot possibly have resigned his appointment in the T'ung-Wên-Kuan, though *fraudulently* inserted in his letter of appointment by Mr. Hart.

¹⁵ See the preceding note, and Note 7, above.

¹⁶ The Professor's memory is not so frail as Mr. Hart, perchance, would like.

¹⁷ The Professor, certainly, did desire Mr. Hart to do, what he ought to have done, and to guide his action, not according to circumstances, but in accordance with justice, equity, and engagements positively entered into by him.

¹⁸ There are three special points, which present themselves to our attention in this paragraph. In the first place the Inspector-General draws a broad line and a

such a Court or before such judges.¹ All that I can do therefore, is to give you, without the intervention of any third person, the opinions which I hold especially, as the Agent of the Chinese Government, on the three points, concerning which you, for your part, state, there are differences pending between us:

§ 18. To take your third question first:—Were you ever, and, if so, do you, or do you not continue to remain in the service of the Imperial Government?

"fatal" distinction between *his personal action* in his private capacity, and *his personal action* in his public capacity as the alleged Agent of the Chinese Government. In other words, Mr. Hart maintains, by implication, that liabilities, which he may have incurred by his personal action as an Irish gentleman, or what he terms "his doings", he would, as an Irish gentleman, have "no objection" to submit to arbitrators; but, as an *employé of the Government of China*, it becomes his official duty to evade the responsibility attaching to "his doings", i.e., his personal action as a Chinese official, and to deny that which is *just and equitable* to those who, on the strength of his personal-official action, have trusted to his personal honor and accepted his official responsibility. The "distinction" is a distinction without a difference—a piece of jesuitical casuistry; and, on the one hand reflects strongly on Mr. Hart's own sense of honor and justice, on the other hand involves an insult to the Chinese Government as the impersonification of injustice and oppression.

In the second place, Mr. Hart asserts that any one, who "happens to hold an official position is, in that respect, the Agent of the Government he serves". In other words, he asserts that *every employé* of any Government-Board or Commission, whether permanent or temporary, becomes, in virtue thereof, the *Agent Universal of the Government*. For such, as we shall presently find, is the true sense of the Inspector-General's outrageous proposition. It requires no comment.

In the third place, Mr. Hart holds it to be *evident*, that the official action of any public *employé*, within the authority and powers vested in him for *certain purposes*, is necessarily an unfit subject for arbitration: but, independently of the remarkably loose manner in which Mr. Hart expresses himself, he overlooks that he is *begging the question*; inasmuch as "all the circumstances of the case", which the arbitrators were to take into consideration, included the very point by him *assumed* in the affirmative, namely, whether or not he did act "within the authority and powers vested in him" by the Chinese Government for the *particular purposes* in question.

¹ It would have been strange, indeed, had Mr. Hart's "authority and powers" included such a provision. We apprehend, his reason, if in reason a reason it may be termed, shows that, at any rate, he has been invested with no reasoning powers. "The Government", in China, is the Emperor. Mr. Hart knows that. Yet, he argues as though the Emperor of China were the (alleged) Irish Agent, and the (alleged) Irish Agent the Emperor of China; as though the Professor of Astronomy had been appointed by the latter in the name of the former, instead of by the former in the name of the latter; in short, as though the Emperor were Mr. Hart, and Mr. Hart were the Emperor. But if so, the Emperor would undoubtedly be amenable to law and justice without the remotest occasion for Mr. Hart appearing in Court or his empowering the Emperor to drag his Irish Agent also before judges; although Mr. Hart, as the Emperor's principal, would, within the limits of his instructions, be responsible for the Emperor's doings, he (Mr. Hart) having employed the Emperor as his agent. If, however, the mutual position of the two personages be reversed, the reverse of our argument will be equally true. Mr. Hart, in his character of an (alleged) "Agent of the Chinese Government" may be defined as consisting of "a Chinese Mandarin's Dress and the body of an Irish gentleman". Now, what the Professor desired, was to submit to arbitration the doings of the Irish

To this query, I am officially able to give you a distinct reply if you will refer to enclosures Nos. 1, 2, 3, and 5, you will see that you were in the service of the Imperial Government from the 15th August 1866 to the 30th September (11 June) 1868, and that you do not continue to remain in the service of that Government,³ at least so far as my knowledge goes, or official connection with any Department under my control is concerned.⁴

gentleman; but Mr. Hart protests that, being nothing of the sort, but simply the Chinese Mandarin's Dress, the doings of that Dress cannot be a fit subject for arbitration, as the Professor proposes. And, possibly, the Professor might have had to accept Mr. Hart's view of an Irish Agent of the Chinese Government as merely consisting of a Mandarin's Dress, had not the Irishman somehow or other stuck to it, and, "to his misfortune" (18, s), happened to be a *British subject*.

² This is, indeed, "an easy way to pay heavy debts", and one, to which we would draw the special attention of all, who are at all concerned in the "doings" of an "Agent of the Chinese Government". Opinions are ever cheap, frequently worthless. How cheap, how worthless are the *official* opinions of the Inspector-General of Chinese Maritime Customs, Mr. Hart, the immediate sequel will show.

³ It would seem to have become almost a fixed idea with Mr. Hart, that he, personally, constitutes "the Chinese Government", i.e. that he is the Emperor of China. Let us hope for the well-being of the Chinese people, that their youthful Sovereign is at all events stronger in intellect, than is his (professing) foreign "Agent". As *proofs* of the Professor having been in the service of the Chinese Government from August 1866 to September (June) 1868, and [in October, 1869] no longer continued in that service, Mr. Hart adduces his enclosures Nos. 1, 2, 3, and 5. No. 1, is the Professor's letter of August 3, 1866 (p. 606, note 2); No. 2, Mr. Hart's letter of appointment of August 15, 1866 (p. 607, note 3); No. 3, the Professor's reply to No. 2, dated August 17, 1866 (p. 677, note 13); and No. 5, the Professor's letter of January 28, 1867 (21). The *latest* date, to which these documents reach, therefore, is the 28th of January, 1867; and how it is to prove the Professor's alleged resignation in September or June, of the following year 1868—Mr. Hart knows not, which is the "real" date—, we must leave to "the Chinese Mandarin's Dress", above, to explain. But the documents, referred to, neither do prove, that the Professor ever held a position under the Imperial Government of China. For such a proof, something more is required than the signature of a "Commissioner of Customs" at "Lisburn" in Ireland. *The Professor of Astronomy entered the service of the Imperial Government in virtue of the Imperial Assent to the Tsung-li Yamen's Memorial of December 11, 1866 (10, comp. 11) to that effect; and nothing short of an Imperial Mandate can lawfully again deprive him of his position.*

⁴ This is another one of those curious exhibitions of senseless casuistry, in which Mr. Hart is really strong. Paraphrasing his words, he maintains that any person's mere *official connection* with some Government-Department or other, gives him the *control* of that Department; or that, linguistically, the terms "official connection" and "control" are synonyms. The *hidden meaning* of his statement is that, although he is, *officially*, merely connected—as paymaster and interpreter to the Professors—with the projected College, by him falsely styled the *T'ung-Wen-Kuan*: yet, that *de facto* he exercises, whether legitimately or illegitimately, the control of the fate of the Professors, and, unless they know how to secure his favor, he can retain or dismiss them at his own will and pleasure. Into *certain private arrangements*, existing between the Tsung-li Yamen and the Inspector-General of Customs, we here abstain from entering; but, in due time both "Departments" will find out, we anticipate, that they, too, ARE UNDER CONTROL.

§ 19. Your first question is:—Under all the circumstances of the case, what is the salary to which, in justice and equity, your position under the Imperial Government entitles you?

The salary, to which your position under the Chinese Government entitles you, was, while you held that position,² the salary for which you had undertaken to accept the appointment: and, in this connection, I again refer you to enclosure No. 3, which is a copy of an official letter addressed to me by you on the 17th August, 1866.³ I am unable to see any reasons why such a question should go to arbitration:⁴ you agreed to serve for a fixed salary,⁵ and while you were neither asked to perform any extra work, nor even called on to enter upon the active duties of your appointment,⁶ that salary was paid to you punctually⁷ and in accordance with the amount originally notified to, and accepted by, yourself.⁸

§ 20. Your second question is:—Under all the circumstances,⁹ provided that for reasons stated you desire to return to Europe, what will be the amount of compensation to which, in justice and equity, you are fairly entitled?

¹ Mr. Hart does not repeat the Professor's specification of "all the circumstances", namely: "the terms of the Professor's original appointment; the assurances and prospects held out at the time in Mr. Hart's name by his Chief Secretary Mr. Campbell; the post (of Director of the projected New Observatory) with which the Professor was subsequently entrusted; the salaries paid by the Imperial Government to its foreign servants generally, etc." (37); but, in omitting he tacitly admits them.

² See above, p. 689, Note 3. Mr. Hart knew, moreover, that even the Tsung-li Yamén had at the time taken no notice whatever of the Professor's alleged resignation.

³ See the letter above, p. 677. The Professor simply repeated the words: "salary to commence at the rate of £600 a year", on his faith in the verbal understanding arrived at with Mr. Hart's Secretary (p. 607, Note 3).

⁴ The proverb says truly: there are none so blind, as those who will not see.

⁵ This is untrue. The fact that Mr. Hart did fix in writing the salary of the Professor of Chemistry, goes to prove that, in vaguely stating that the salary of the Professor of Astronomy was "to commence at £600 a year", it had not been fixed (see above, p. 607, Note 3).

⁶ It is this passage, which proves that Mr. Hart brought his charge against the Professor of having refused to perform his engagements, knowing that charge to be FALSE.

⁷ As to his punctuality in the payment of salary, Mr. Hart would have done as well to observe silence. The whole Crooked-Railing-Lane-Court was repeatedly kept by him in a state of complete impecuniosity; and on one occasion the Chinese were unwilling to give the Court any further credit even for the necessities of life. The Shanghai Banks pay a high rate of interest. "A penny saved, is a penny gained", says the proverb. Mr. Hart is of a very saving disposition.

⁸ This is untrue. The amount paid was "originally" notified to the Professor, but not accepted by him. Mr. Hart can produce not one single receipt for salary from the Professor, who constantly refused to give such acknowledgments, except under the distinct reservation of his claims, or simply for so much money received as part-payment, on account of salary. These receipts Mr. Hart's Secretary considered it more expedient not to accept.

⁹ Mr. Hart omits to add: "and considering that the projected University and Astronomical Observatory, to a Chair in, and the Direction of, which, respectively, the Professor was appointed by him, have no existence, and that as yet no effective

Under other circumstances than those which characterise the present case, such a question might possibly be fairly referred to arbitration by a Government; but, on this occasion, the question is put forward after a fashion which suggests that you either forget or affect to ignore the occurrences of last year.¹⁰ You broke your engagement by refusing to teach Mathematics,¹¹ and, properly speaking, whether you remained in China or returned to Europe, you thereby forfeited all claim or title to anything beyond your pay to that date: such being the case, I do not see that, in permitting you, for your personal convenience, to retain your appointment through another quarter,¹²—in issuing, as a retiring allowance, an amount equal to a year's pay,—and in providing you with a passage home, the Chinese Government has treated you either unjustly or ungenerously.¹³

§ 21. Having reference therefore to the questions, into which your letter of the 16th instant informs me the points of difference, referred to in your previous letter of the 11th instant, resolve themselves, I am forced, on the one hand, to declare that those questions are not of a nature which I, as the agent

steps have been taken to insure the realisation of the project, which, on the contrary would rather appear to have been abandoned: What under the latter supposition, or (provided that, for the reasons stated, the Professor desire to return to Europe), unless the plan in question be fully carried into effect within a reasonable space of time (will be the amount, etc.). He, however, by the words: "for reasons stated", tacitly admits the truth of those reasons.

¹⁰ It is frequently difficult to decide, how much of Mr. Hart's statements is to be ascribed to *mauvaise foi*, and how much to what really can be designated by no other term than imbecility. We again find him begging the question, but after a fashion, which it is unnecessary further to qualify.

¹¹ This is untrue. See § 19 of his present letter, and Note 6, above.

¹² This is untrue. Comp. p. 685, Note 15, above.

¹³ Mr. Hart has already and again and again shown, that his powers of perception, under given circumstances, are of the very dullest order. He not only is blind to the fact, a few lines before by himself admitted in writing, that *he knew the accusation, on which he makes his argument to rest, to be false*; but he is equally blind to the fact that, even had the Professor "refused to teach Mathematics", and to "perform the duties of his engagement",—which he did not (Note 6, above),—*he would have been fully justified in so doing*; considering, on the one hand, that the name of a "Language-School", established at Peking in 1862, possessing no Chair of Mathematics and Astronomy, and known as the "T'ung-Wên-Kuan", had been *fraudulently* substituted by Mr. Hart in his letter of appointment (p. 607, Note 3) for the projected "College of Western Science and Learning", for which he had engaged the Professor; and, on the other hand, that neither that "College", nor the "Additional School of Astronomy and Mathematics", contemplated by the Tsung-li Yamén, and for which Mr. Hart had been instructed to engage a Professor, were in existence. -

As to "the Chinese Government", it continues as yet in profound ignorance of the treatment which, IN ITS NAME AND WITHOUT ITS AUTHORITY, has been extended by the Tsung-li Yamén and its professing agent, to the Professor of a Science, from the highest antiquity revered in this country next to Heaven and "the Son of Heaven", and who, as the invited guest of China, "had not counted it far to come the distance of threescore-times a thousand *li*, to profit by his knowledge the Empire (comp. Mencius, Dr. Legge's edition, I, i, 2). Ere long, however, that treatment will be submitted to "the Sacred Glance" by those who possess the privilege to do so; and it remains to be seen, what view "THE CHINESE GOVERNMENT" will take of the matter.

of the Government,¹ would be justified in submitting to arbitration,² and, on the other, I must express my regret at my inability to view the matter in any other light than that indicated throughout this despatch.

The notes, which have been appended to this remarkable epistolary production, leave us but a few observations to add in this place. It would be difficult to imagine a more legitimate subject for arbitration than the differences as to salary and compensation, pending between the Professor and Mr. Hart on the former point, between him and the Chinese Government on the latter. The very letter, nominating the Professor to the Chair of Mathematics and Astronomy, in combination with other circumstances, proved beyond a reasonable doubt, that the amount of annual salary, to fix which, Mr. Hart states, he possessed discretionary powers, had been left in London an open question; whilst both *the principle and the justice* of compensation had, at variance with Mr. Hart's argument, been *de facto* admitted by him in actually offering to the Professor a compensation equivalent to about £800. The Professor had written to Mr. Hart:—"I desire, and never have desired, anything but what is fair, just, and equitable, and if such a disposition be responded to on your part and that of the Imperial Government, I can perceive no difficulty in the way of a friendly adjustment, satisfactory to all". Hence he proposed arbitration. Mr. Hart, *not* responding to the Professor's desire for fairness, justice, and equity, declines arbitration on the most palpable subterfuge; and prepares for legal action. And he does so in a manner probably unheard of in judicial history, and in the shape of "a narrative of the circumstances, under which", he asserts, "the Professor's connection with the T'ung-Wên-Kuan began and ended", but which, from beginning to end, constitute nothing but one tissue of wilful misstatements and untruths.

¹ See above, p. 687, Note 18, and further below.

² To show that Mr. Hart's reason for declining arbitration, independently of his *not* being "the Agent of the Chinese Government", is a mere subterfuge, we would remind him of the case of the late M * * *, Commissioner of Customs at * * *, and, therefore, the immediate subordinate of the Inspector-General of Chinese Imperial Maritime Customs. That unfortunate gentleman committed suicide, there is reason to believe, in consequence of certain charges brought against him by Mr. Hart. We will forbear entering into the details of the sad affair. Suffice it to say that, on an investigation of the charges being demanded by the relatives and friends of the deceased, Mr. Hart at first attempted to virtually stifle the matter, by nominating a private Court of Inquiry of his own subordinates; and that he sent his Secretary Mr. Campbell, the instrument of his will, to Shanghai, to conduct that inquiry. Mr. Hart failed in his object; but persisted in his accusation. Thereupon, however, the matter was, under circumstances which we pass over in silence, finally laid before the Ambassador of France at Peking. Protection was granted. Mr. Hart submitted to

41. The leading features of that narrative deserve here to be pointed out. They may be classed and described as follows :—

Firstly, Mr. Hart makes the whole of his narrative and his arguments to rest on a fraud;³ we might say, on a double fraud. He is verbally authorised by some Member or Members of the Tsung-li Yamên to engage, besides two new teachers of English and French for the *T'ung-Wên-Kuan*, or "Language-School" established in 1862, and a teacher (or teachers) for a "School of Astronomy and Mathematics", which, in 1866, it was in contemplation to establish *in addition to, and separate from* (10), the existing school for teaching the French, English, and Russian languages. Instead of acting on this authority, he appoints, besides two Professors of French and English Language and Literature, a Professor of Chemistry, and a Professor of Military Sciences, a Professor of Mathematics and Astronomy, for a projected "*College or University of Western Science and Learning*"; and, thereupon, *fraudulently* inserts in their letters of appointment for the projected University the name of the existing *T'ung-Wên-Kuan*; designedly and wilfully leaving the Professors, engaged by him, in complete ignorance of the existence and the constitution of such a school, and the meaning of the words *T'ung-Wên-Kuan*, which they naturally took to designate the projected University for which they had been engaged; "expecting" them quietly to submit to his fraud; and, in the case of the Professor of Astronomy, proceeding to argue with him on those false premisses, as though the fraud, practised by him, constituted his legal right.

Secondly, Mr. Hart *falsely* represents the Tsung-li Yamên, in the English sense, as the Chinese "Board of Foreign Affairs" or the Chinese "Foreign Office"; i. e. not only does he wish its position to be understood as being

arbitration. He had the bad taste to invite the Court, consisting of Count de Rochechouart, then Secretary of the French Legation; Mr. Hugh Fraser, Secretary of the English Legation; Dr. Williams, Secretary-Interpreter of the United States Legation; and M. Bismarck, Secretary-Interpreter of the Prussian Legation, to sit at his own house and, before the opening of proceedings, to place a champagne-breakfast before them. But the verdict went against him, and vindicated the injured memory of the dead. And most justly so in our judgment, based on a knowledge of all the particulars of the case, those as well which did not, as those which did, come before the Court. Mr. Hart had taken very good care not to ask to be "empowered to bring his principal, the Chinese Government, into such a Court, and before such judges". Yet, in that case he indubitably *had* "acted officially"; and beyond question his action *had* been "official".

³ In Dr. Webster's Dictionary of the English Language, last edition 4to., the term "fraud" is thus defined:—"Deception deliberately practised with a view to gaining an unlawful or unfair advantage; artifice by which the right or interest of another is injured; injurious stratagem; deceit; trick".

strictly analagous to that of our own Foreign Office in Downing street, but the Board is actually by him identified with "the Chinese Government". We must here repeat on this subject, what has been already stated. The Board is usually designated: 總理各國事務衙門, "the Yamèn or Office for the General Control of Individual (Tributary-) States' Affairs", more fully and correctly: 大清欽命總理各國事務——
 "The Ta-Ching-Imperially-appointed-for-the-General-Control-of-Individual-(Tributary-)States' Affairs [Commission, consisting of Prince Kung and other Members]. The position of this—a mere temporary—"Commission" or "Board for the General Control of Individual (Tributary-) States' Affairs", is a very anomalous one. Its origin dates from the year 1860, when Prince Kung, assisted by two mandarins, was appointed Chief Commissioner to conduct the negotiations with Lord Elgin and Baron Gros. It possesses no other general authority. In the 大清摺紳全書, or the official Government Directory of the Ta-Ching Dynasty,¹ which is revised and published every three months, the *Tsung-li Yamèn occupies no place*. In short, it has, as a public office, *no recognised or legal existence*;—a fact, which is incidentally confirmed also by Dr. Williams, in his despatch of January 25, 1868, to the American Government. "The Board of Foreign Office", he therein reports, "notwithstanding its great influence and the high rank of its members, has hitherto no legal existence of itself, but at present consists of the presidents of four of the six boards, viz., civil office, revenue, punishments and works, and two other high officers, who have been detailed to join in its deliberations under the chairmanship of Prince Kung. The members act in it conjointly under the style of the Tsung-li Koh Kwoh Sze, or *general managing office of foreign countries*; but individually they are responsible also for the conduct of their own departments to the general council of the Government". On account of this personal responsibility, Prince Kung made at first strenuous efforts to free himself of it, and to cause the Commission to be merged into the constitutional Board of Revenue;² because he, like the Chinese generally, look upon the Tsung-li Yamèn, after the rebellious Ying

¹ The work, in four stout closely-printed octavo volumes, is also labelled 籌款全函. Its latest preface is dated the 6th year of Tung-chih (1867). It is invariably bound in red.

² Two Memorials by Prince Kung and his two coadjutors—the original Commission or Board, constituting the Tsung-li Yamèn—submitted to the Throne in 1861 ("The North-China Herald" for Nov. 2, 1861).

³ Imperial Rescript of June 19, 1861. (Ibid.) "The Imperial Edict in reply to the first Memorial (of the Tsung-li Yamèn)", the Editor of "The North-China Herald"

and Fa States (England and France) have once more returned to obedience, simply as an office for certain fiscal and commercial arrangements between those (and some other) Outer States and the directing Central State of the Ching Empire. The Imperial Government, however, for obvious reasons declined entertaining the proposition of the Prince.³ Hence, the authority of the Tsung-li Yamên is of a very restricted, vague, and unsatisfactory nature. In fact, with the exception of certain ill-defined powers relative to the proper control of the commercial intercourse of China with, what she claims to be virtually, her transatlantic possessions, it is invested with no authority whatever, *save such authority as, in each individual case and for each special purpose, it derives by special Imperial Rescript from the Emperor*. Thus, when the Board is desirous merely to establish some additional school;⁴ or to engage for it a foreign professor;⁵ or to adopt a new flag:⁶ it has first to memorialize the Throne on the subject, and if the Imperial sanction be withheld, the thing cannot be done; *unless it be done altogether without that sanction, i.e., illegally, and on the personal responsibility of the acting official*. The Tsung-li Yamên, therefore, is simply a temporary Imperial Commission, of itself possessed of neither power nor authority.

Thirdly, Mr. Hart *falsely* represents himself as "the Agent of the Chinese Government", in the sense of an Agent General. Mr. Hart has no direct connection whatsoever with the Chinese Government, and is no more its Agent, whether Special or General, than he is the Emperor of China. He is a hired, foreign servant of the Tsung-li Yamên, as "Inspector-General of Chinese *Foreign* Customs", this *branch* of the Chinese Customs having, by Imperial Rescript, been confided to the management of the Tsung-li Yamên. Under the peculiar circumstances previously related, he at first acted for Mr. Horatio N. Lay in the capacity named, and subsequently, by intrigue, succeeded to the position of that highly deserving and ill-used gentleman. But, so far at least as we have been able to ascertain, no Imperial Rescript has ever been issued to sanction Mr. Hart's "succession". Of his *formal appointment* even on the part of the Tsung-li Yamên, we have failed to

very pertinently remarks on the occasion, "is worded in evident recognition of the importance of the foreign question, but it nevertheless shows that *the wish of the Court was to throw the responsibility of everything that concerned the intercourse with other countries upon the Prince or his party*".

← Memorials of the Tsung-li Yamên, above (11, 11). We might add numerous cases besides those here cited.

⁶ Tsung-li Yamên's Despatch of October 22, 1862, to the United States' Minister, Papers relating to Foreign Affairs, part ii, Washington, 1864, 8vo., p. 836.

discover a trace. At any rate, he is simply a servant of the Yamén, *clerk with special duties*, and no more the Yamén's Agent General, than he is the Agent of the Chinese Government. In China, indeed, "the Government" is the Emperor. Mr. Hart, holding no legitimate official position whatever, in connection either with the T'ung-Wên-Kuan, or the projected "Additional School of Astronomy and Mathematics", or his imaginary "College of Western Science and Learning", invented for, and conferred on, himself the vague title of "Agent of the Chinese Government", for the purpose of evading the consequences of his unwarranted course of action, relative to "the New University of China".

Fourthly, Mr. Hart *falsely* persists that the Professor, "beyond all denial" resigned his appointment in the T'ung-Wên-Kuan—an institution with which he was never so much as connected, except by a fraudulent substitution of names on the part of the Inspector-General—, on the 11th June, 1868. We shall more fully discuss this subject hereafter. Conscious, however, of the wrong and utterly untenable position, thus taken up by him,

Fifthly, Mr. Hart *invents*, about sixteen months after the Professor's alleged resignation and in connection with it, a *false charge* against him, namely, that of having refused, on the 11th of June, 1868, and previously, to perform the duties of his engagement. We have shown, out of the Inspector-General's own mouth, that, in making this charge, *he knew it to be false*. It will be observed, moreover, that in his letter of the 15th October, 1868 (35), no allusion whatsoever is made to it. We shall revert to his point also.

Sixthly, Mr. Hart *invents*—another subject, to which we shall have to recur—an interview between himself and the Professor, which never took place, and *falsely* pretends,—with the view of showing that he engaged the Professor, not in the capacity of a University-Professor, appointed to a Chair of Astronomy in the projected "College of Western Science and Learning", but in the capacity of a school-master, to be *styled* "Professor", in the old-established "Language-School" of Peking,—to have given to him, at that imaginary interview, the most minute explanations in the sense alluded to. We have shown nearly every one of these alleged explanations to be simply untrue of itself. Had it been otherwise, Mr. Hart, moreover, fails to perceive that, in "styling" a school-master, what he is not,—a University-Professor; and an existing Language-School, what it is not,—a projected College of Western Science and Learning: he must needs be concluded to have done so *with some deceitful intention*,—the manifest intention of practising a fraud upon the Western public.

Seventhly, Mr. Hart *falsely* asserts that, at an interview between himself and the Professor, which according to him should have been the second, but which was really the first one, and took place on August 4th, 1866, in London, the Inspector-General *repeated* to, and *once more* impressed on, the Professor those alleged explanations, untrue of themselves, and pretendedly given at an imagined interview, which did not take place. It will have been observed also, that the whole of these explanations are, of their very nature, equally inapplicable to a Professor of Astronomy and to a University. After the complete *failure* of his *College-scheme*, personal to himself, they were invented by Mr. Hart to secure himself against the pecuniary responsibilities involved in that failure, *at the expense of the Professors*, and to reduce the latter to the position of school-masters in the "T'ung-Wên-Kuan", *with a view to which contingency* he had already in Europe, and fraudulently so, inserted the Chinese name of the existing "Language-School" for that of the projected "New Chinese University", in their letters of nomination.

Eighthly, Mr. Hart, throughout his "explanations" affects to ignore the changes agreed upon, and the new arrangements entered into, between the Professor of Astronomy and himself, in the name of the Chinese Government, as well as the non-fulfilment of both his later and earlier engagements relative to the projected College of Western Science and Learning; recurs, in their regard, exclusively to an imaginary conversation, which he states to have held with the Professor before the latter ever set his eyes upon him; and, forgetful of "his great idea of the Regeneration of China", accommodates that conversation to the circumstances of a miserable A B C School of Russian, English, and French, resembling a soup-kitchen or a head-shaving-saloon rather than a College, but being all there remained of those magnificent and imposing architectural structures, forming "the New Chinese University", which, encircled by a wall of "a hundred *li*", his wishful Fancy had built up within the park-like grounds of the *Yüen-ming-yüen*.

Ninthly, Mr. Hart adduces, in support of all his alleged explanations, one single and wholly fallacious proof,—and that proof, moreover, in so far a *fraudulent* one, as he makes his letter, from which it is taken, appear to have been written to a different person, at a different time, and under different circumstances from what was the case (39). Hence, the Inspector-General's various and numerous asseverations constitute a series of *naked assertions*, many of them incredible, most of them improbable, in themselves; and nearly all of them one by one proved to be untrue. What reason, then, can he have had to hope, that credit would be accorded to his

statements in a Court of Justice, provided that the Professor carried his intention of having recourse to legal proceedings into effect?

Tenthly, Mr. Hart expects from his Secretary, Mr. James Duncan Campbell, extraordinary powers of recollection. In reference to the *imaginary* interview, which the Inspector-General alleges to have had with the Professor, and which will presently be *proved* not to have taken place, he writes, as we have seen, that "Mr. Campbell *will doubtless remember*, that all the foregoing points¹ were carefully explained to and impressed upon the Professor, as well as that they were *fully understood*, and even thankfully accepted by him." And, in reference to a later interview between Mr. Hart and the Professor, at which the Secretary of the Inspector-General was *not present*, he again writes, that "Mr. Campbell was then still in *Peking*, and *will doubtless recollect* that an understanding, to the effect just stated,² had then been arrived at by the Professor and himself".

Lastly, Mr. Hart, on the one hand, makes the important admission, that his scheme of "the College of Western Science and Learning" to be founded in Peking, and to the Chair of Mathematics and Astronomy in which he nominated the Professor,—though in his letter of appointment he *fraudulently* substituted for the projected University the Chinese name of the existing Language-School of the Tsung-li Yamén—, was *the unauthorized conception of his own sanguine, unscrupulous, and ambitious mind*. For, that such is the true interpretation to be placed upon "the plan, which *he* (Mr. Hart) *proposed to himself* to carry out, as being *the one most likely* to give the *fullest* effect to the Yamén's wishes",³ is proved by the unquestionable fact, that that plan did comprehend not only "a University, not second to European Universities", but an Observatory with all its appurtenances, and that the Yamén's plan simply comprehended an "Additional School of Astronomy and Mathematics" (10, 11). On the other hand, Mr. Hart makes the no less important admission, that "the Yamén, in its second Memorial (11), went beyond his most sanguine hopes". Now, as the Yamén, in that Memorial, strictly confines itself to its modest school-plan, it proves that the most sanguine hopes of the Inspector-General relative to his own momentous University-plan, from which nothing less than the Regeneration of China was to result, were even then of the very lowest order; that, at the same time that he took what is really a desperate, if not a desponding, view of

¹ See above, page 677, and Note 14. In this note it was assumed, in Mr. Hart's favor, that his statement was made under the *erroneous impression*, that the first interview between him and the Professor had taken place before, instead of after, the

the prospects for a University in China, he *falsely* and, there can now be no doubt whatever, unauthorizedly and in the name of the Chinese Government, "officially" informed the Professor of his appointment to the Direction of the projected Observatory, and of the acceptance of every one of his propositions—the condition of his stay—by the Imperial Government (20—22); that, both in London and subsequently, he wilfully misrepresented to the Professor even the intentions of the Yamen, to whose "wishes" he had given a most unwarranted interpretation; and that his "great idea of the Regeneration of China" was nothing but a wild dream, and his entire scheme of "the College of Western Science and Learning", personal to himself, little better than a simple imposition from beginning to end.

42. Taking, for the time, no notice of Mr. Hart's epistle, commented on in the preceding remarks, the Professor addressed to him another letter, of which the following is a copy:—

Peking, October 28th, 1869.

On the 11th of this month I respectfully addressed to you the written request, that you would be pleased, at your early convenience, to pay to me the sum of from twelve to fifteen hundred taels (or a larger sum) on account of moneys due to me, for salary, &c., by the Imperial Government of China, as whose agent you have hitherto acted in the capacity of paymaster to the Professors, engaged by you, on behalf of the Imperial Government, to occupy Chairs in the projected College or University of Peking, [falsely] styled by you also the T'ung-Wên-Kuan.

Having up to this day received no such payment, I beg leave once more to prefer to you my request, and to express the desire that it may please you to effect the payment named, on any day previously to the third day of the ensuing month of November.

Should I before that day receive from you neither the sum of money applied for, nor the positive and formal notification, that you have no funds, belonging to the Imperial Government of China, in hand or at your disposal for the purpose of discharging the lawful claims for salary and otherwise of the Professors above referred to: I now give you notice, that I shall consider your non-compliance with my request as a positive refusal on your part to pay to me the sum in question on account of moneys lawfully due to me by the Imperial Government, and to hold you responsible, as I hereby do hold you responsible, for all losses, disadvantages, and consequences of any kind, which I may have to incur, or which may accrue to me, from your course of action.

To this letter, the Inspector-General, through his Acting Secretary, sent to the Professor, a few days subsequently, a reply which reads thus:—

Peking, 2nd November, 1869.

I am directed by the Inspector-General of Chinese Imperial Maritime Customs to acknowledge the receipt of your letter to his address of the 28th October, and, having reference to the claim preferred by you for moneys said by you

3rd August, 1866;—an assumption, which would in reality not much affect the merits of the case, but which we shall presently find to be inadmissible.

² See above, page 685, and Note 16. ³ See above, page 673, and Note 15.

to be due on account of salary, &c., to inform you, in reply, that, *inasmuch as you ceased to be connected with the T'ung-Wên-Kuan on the 30th September, 1868*, and received your pay in full to that date, the Inspector-General is unable to recognize the validity of the claim preferred in your letters of the 11th and 20th October. I am further directed to add, that the Inspector-General holds funds for the payment of salaries of other professors still connected with the T'ung-Wên-Kuan, but holds none for issue to you whose retirement more than a year ago has been duly reported to the Foreign Board.

It will be noticed, that Mr. Hart ignores the projected "College of Western Science and Learning", for which the Professor was engaged by him, and on the one hand relying on his *fraudulent* substitution of the Chinese name of the existing "Language-School" for that College in the Professor's letter of nomination, on the other hand persisting in his story of the Professor's resignation in June, 1868, maintains that he, on the 30th September, 1868, ceased to be connected with the T'ung-Wên-Kuan, with which, legitimately, he never was connected. It is untrue also, that Mr. Hart had *duly* reported the Professor's alleged retirement; for, as will be presently seen, he himself admits not to have reported it till the 22nd September, 1869, i.e. upwards of fifteen months after the time, at which he asserts it to have taken place. But there is no real evidence to show, that he did so even then; although we will not here insist on the presumption, that the report in question, written only on the 22nd of October, 1869, was post-dated by one month. The legal fact, which calls for attention is, that Mr. Hart, whilst virtually acknowledging that he was holding funds of the Chinese Government for the purpose of paying the salaries, due to the Professors engaged by him in Europe for the projected "College of Western Science and Learning", he refused in writing, on the 2nd November, 1869, to pay to the Professor of Astronomy, either the entire salary, or a sum of Taels 1500, being part of that salary, then due to him by the Chinese Government, on the *false* plea that the Professor's connection with the T'ung-Wên-Kuan or "Language-School" of Peking had ceased on the 30th September, 1868.

43. The farce of "the New University of China", *mise en scène* for the special benefit of "the Burlingame Mission", had been played. The curtain was about to drop. The Hon. the Superintendent of the Affairs of the T'ung-Wên-Kuan, S'üü, had retired into private life, on a modest pension. His place had not been filled up. The re-organized classes of French and English, which the reader may remember in connection with the so-styled "Opening of the College" (27), had dissolved themselves into their

¹ See the letter of the Professor of English, above, p. 637.

² The title of Dr. Martin is simply "Head-master" or "Teacher-General". Mr. Margary, below, incorrectly translates "the head of the Professors", if we take the

primitive elements.¹ The contemplated "Additional School of Astronomy and Mathematics" under European Professors, (10, 11) had assumed the form of a Mathematical School under a *native* teacher, and been entailed to the Language-Schools. The "Regeneration of China" had faded away into air. The original *T'ung-Wên-Kuan*, with its unoriginal appendage, was to pass into the hands of its originally appointed head-master (3, 4), the American Missionary and turn-coat [89] Dr. Martin. *To keep up appearances*, as far as practicable, the new head-master was by Mr. Hart and himself falsely styled "President", in addition to his tripodian title of Professor of (Biblical) Hermeneutics, Political Economy, and International Law, not to speak of "his lordship's" honorary by-name of "the Pinnacle [or (Night-) Cap] of the West" (4). The Inspector-General was to continue pay-master to the "Professors" of "the College". Mr. Hart's Notification to the above effect, addressed to "the Professors", excepting the Professor of Astronomy, reads as follows:—

Peking, 9th November, 1869.

1. In accordance with instructions received from the Foreign Board, I am to inform you that the Professor of Hermeneutics, Political Economy, and International Law, Dr. Martin, has been appointed by their Excellencies to be President² of the *T'ung-Wên-Kuan*. In entering on the duties of this new appointment, I feel confident that the President can rely on each Professor for that co-operation and support, which are now so necessary to the success of the Institution, with which (through myself) you have become connected; and I therefore need do no more than express the trust, that, when Dr. Martin invites yourself and colleagues to assemble for the purpose of consulting with you, and considering the measures most requisite to be adopted, you will, on the one hand give him the benefit of the best advice your experience of the past enables you to offer, and, on the other, *cheerfully acquiesce in the observance of any conditions, which, in his position of responsibility and authority, he may deem it expedient to give effect to, and defer to any measures which it may be necessary for him to ENFORCE.*

2. Salaries, etc., will continue to be payable from the office of the Inspectorate of Customs; but applications for payments on account of salary, indents for articles required for the classes, and requests connected with wants felt at the residences of the Professors, before they can be attended to by the Chief Secretary of the Inspectorate (to whom they are in all cases to be presented, and in writing) will require to be counter-signed by Dr. Martin in his official capacity as President of the College.

I am, Sir, your obedient servant,
(Signed) ROBERT HART,
Inspector-General.

We need only remark upon this letter, that Mr. Hart,—signing himself "Inspector-General", here by implication of the *T'ung-Wên-Kuan*,—falsely represents "the Professors" as having through his instrumentality become

term "Professor" in its higher sense. Mr. Hart, it will be observed, continues falsely to identify his projected "College of Western Science and Learning" with the *T'ung-Wên-Kuan*.

connected with that "Language-School"; and "expects" from its teacher a "cheerful acquiescence" in all measures the head-master may "deem expedient to enforce",—an expectation, which no gentleman, entertaining the very slightest regard for Science and his own position, could have thought of complying with.

44. On the part of Dr. Martin, however, there now followed a series of strenuous efforts to persuade the Professors, engaged by Mr. Hart in Europe for the projected "College of Western Science and Learning", and notably the Professor of Astronomy, to exchange their respective positions for corresponding positions as *school-masters in the Tung-Wên-Kuan*, under his head-mastership and absolute rule (43). The Professor of Chemistry and Natural History, after some show of resistance, yielded, and, without either Laboratory or Apparatus, which continue to be "coming" (17, 2), is understood to "lecture" on the Science of Chemistry,—with what possible benefit to his native pupils? let the Chemical reader say.¹ The Professor of French Language and Literature, on the contrary, although he had during a period of nearly two years, voluntarily consented to perform the duties, which he was now expected to *engage* to perform, rebelled. He consequently, received ere long his dismissal; and the only compensation he succeeded in obtaining, and finally saw himself, from starvation, under the necessity of accepting, was two years' pay. In the course of the negotiations, which ensued with the Professor of Astronomy, Mr. Hart twice addressed to him the letter, which we have just communicated (43); and not being directed to the addressee in his proper capacity of Professor of Astronomy at, and Director of, the (projected) New Observatory, he twice returned it to the Inspector-General. An attempt to settle their differences by arbitration also failed, owing to the most unfair, not to say absurd, conditions by which Mr. Hart, after having accepted a fair basis, wished to modify it so as to virtually leave the whole matter to the personal discretion of Dr. Martin. The state of affairs at this period will be best seen from the following letter, addressed by the Professor of Astronomy to the latter gentleman:—

I have once more and maturely weighed the propositions, which you have been so kind as again and again to urge upon me: last evening, at your special request, in the presence of the Rev. Mr. * * * and Dr. * * * as witnesses and advisers; and once more I have been compelled to come to my former conclusion,

¹ Chemistry as a science is altogether unknown to the Chinese. They possess no chemical nomenclature, and the language almost forbids one. Dr. Martin, in his *Elements of Chemistry*, introduced our modern symbols.

in which you found me to be fully supported by the opinion of those two friends, whose bias would certainly be in favor of yourself and Mr. Hart, rather than in my own.

I stated to you from the commencement and in explicit terms, that the first and indispensable preliminary to any arrangement must be the recognition of the public position of Professor of Astronomy at, and Director of, the projected Observatory, indubitably and lawfully held by me in the service of the Imperial Government; and that in any final arrangement of my differences with Mr. Hart, it would equally have to form an indispensable element.

But independently of myself, such a recognition appears to me no less desirable for Mr. Hart's sake and your own. For, as you stated that Mr. Hart had consented, out of respect or consideration for you, to withdraw, as resting on an error, his (unwarranted) notification to the Imperial Government, to the effect that, on the 11th June 1868, I had given in my resignation (which I have not done): I am unable to perceive on what just or reasonable grounds he can possibly refuse to withdraw that erroneous notification irrespective of any arrangements between you and me, which, properly speaking, do not concern him. On the other hand, if my position be officially recognized on the part of the Imperial Government, all hindrances to an understanding, such as we both desire, though not on the same basis, appear to me to vanish.

In order, therefore, to bring this point to an issue, I address to you a separate letter, from which, no doubt, you will consider it to be your official duty to assure yourself, whether Mr. Hart's assertion as to my having, on the 11th June 1868, given in my resignation, is supported by any valid proof or not, and if not (as you will find it to be the case) either to call upon him to withdraw his notification, or else to at once submit the case to the Imperial Government and to request its pleasure thereon, which, if matters should take this turn, I beg the favor of your communicating to me at the earliest possible moment.

Meanwhile, as Mr. Hart has not accepted the basis on which, in a note to you, I expressed a few days ago my willingness to submit the differences, pending between him and me, to arbitration, I request that you will be kind enough to return to me that note, now no longer valid or of present use.²

In conclusion I can, notwithstanding what I previously said, but once again impress on you my honest and earnest conviction, that Mr. Hart would consult the best interests of the actual *T'ung-Wen-Kuan*, and of those most concerned in its future progress and ultimate development into a University or College, by taking into his favorable consideration the amicable arrangement, which I the day-before-yesterday requested and authorised you to submit to him, namely, the settlement of every difference, pending between Mr. Hart and myself relative to the projected University and Observatory, by Mr. Hart's payment to me, in the shape of compensation and in lieu of all claims against him and the Imperial Government, of the sum of * * * *, and by my simultaneously tendering to him my formal resignation of the appointments, now held by me, and the formal acceptance of that resignation.

As the sum then named by the Professor, anxious to return to Europe and to his studies as well as to avoid a longer exposure to the climate of China, was an extremely moderate one, both the Tsung-li Yamên and Mr. Hart would have had to congratulate themselves, had the latter's personal animosity towards the Professor and his determination to wrong, if possible to

² Dr. Martin, in his reply, stated to the Professor, that he would return the letter—which he did—, “so soon as he obtained it back from Mr. Hart, *with whom he had left it to be placed by him (Mr. Hart) into the hands of his nominee*”!

crush, him, permitted the professing "Agent of the Chinese Government" to accept that generous offer.

45. In consequence, it would appear, of his preceding letter to Dr. Martin, the Professor received from the head-master of the *T'ung-Wên-Kuan* a communication, dated Peking, November 24th, 1869, in which he "has the pleasure of enclosing a copy of a despatch, in which the Inspector-General retracts the report of the Professor's resignation"; and a second communication, dated the following day, in which he "encloses for the Professor's information a copy of an official letter of the Inspector-General to himself". The following is a transcription of Mr. Hart's note to Dr. Martin—

Peking, 22nd November, 1869.

Having reference to * * *, who claims to still hold an appointment in the *T'ung-Wên-Kuan*,¹ I beg to inform you that I never had any desire to displace him, and as he himself does not desire to be regarded as having resigned, I have written officially to the Yamên to withdraw my former despatch, and to state that * * *, with your approbation, continues to retain his position.

True Copy.

(Signed) W. A. P. MARTIN.

The copy of Mr. Hart's despatch to the T'ung-li Yamên, being in Chinese, was subsequently, for the purposes of the judicial trial, officially translated by Mr. Margary as follows:—

Peking, 22nd November, 1869.

It will be remembered that I addressed the Yamên in my despatch of 22nd September, 1869, with reference to Fang Keu-Pa (the Professor of Astronomy), who was long since engaged by me, in behalf of the Yamên, as a Professor in the *T'ung-Wên-Kuan* (lit. school of languages)—explaining that in consequence of my having refused his request to construct a raised terrace (Observatory) and to purchase books, Fang Keu-Pa had afterwards steadily declined to do any of the work that was allotted to him. And I (therein) reported that he had said to me in June, 1868, that, "as there had been words to the effect that he might return to his country, why, perhaps he had better resign and do so".

I now have to state, that I am told by Ting Wei-Liang, (Dr. Martin) the head of the Professors [head-master], that Fang Keu-Pa has not yet returned home,² and further that he holds that my action above in requesting of the Yamên that his functions might cease (i.e. to accept his resignation) was without any agreement or consent on his part.

Since, therefore, the Professor in question declares that he has not resigned I have to request the Yamên will lay aside my despatch about his functions ceasing.

I must consult with the newly made head of the College³ as to the way in which this matter is to be settled.

As in duty bound I write this for the information of the Yamên. A necessary despatch, &c.

True translation: (Signed) A. H. MARGARY, *Acting Interpreter.*

¹ This is untrue. The Professor consistently and emphatically *disclaimed* any connection with the *T'ung-Wên-Kuan*. No kind of trickery was left untried to connect him with that institution.

² Mr. Hart's plea of ignorance of the Professor's non-departure in the autumn of 1868, until told by Dr. Martin in November, 1869, is as characteristic of the Inspector-

There are various points in this despatch, which demand special notice. Whether Mr. Hart's previous despatch to the Yamên was really sent on the 22nd September, 1869, i.e. "on the 17th day of the 8th month of the 8th year of *T'ung Chih*"—, or was written only, immediately after his letter to the Professor of October 20th, 1869, (38—40) and post-dated the 8th day of the 9th month, matters little. It will be observed :—

Firstly, that Mr. Hart *falsely* states to the Tsung-li Yamên that he had engaged the Professor "in behalf of the Yamên" instead of "in behalf of the Chinese Government"; and that he had engaged him "as a Professor in the *T'ung-Wên-Kuan*", instead of "as the Professor of Mathematics and Astronomy" in a projected "College of Western Science and Learning", for which latter institution he (Mr. Hart) *fraudulently* substituted the name of *T'ung-Wên-Kuan* in the Professor's letter of appointment.

Secondly, that Mr. Hart *falsely* represents to the Yamên that it was the Professor's simple request to have an Observatory constructed and a Library purchased, which Mr. Hart had declined; instead of "explaining", that he (Mr. Hart) had, in the name of the Chinese Government, *engaged* to purchase that Library and to erect that Observatory; that, in the name of the Chinese Government, he had, in February, 1867, appointed the Professor to the Direction of the promised Observatory; and that the Professor had made the use of a Library, indispensable for the pursuit of his studies, one of the conditions of his acceptance of the original appointment.

Thirdly, that Mr. Hart, in his first despatch, *virtually* admits that, in June, 1868, the Professor's return to Europe had only been talked about between them, and that no definite understanding had been come to; although he *falsely* asserts that the Professor ever spoke to him of resigning the position he held under the Imperial Government.

Fourthly, that Mr. Hart, in his second despatch, *positively* admits the truth of the Professor's declaration, that, at their interview on the 11th of June, 1868, he (the Professor) did *not* tender his resignation to Mr. Hart; although in his letter to the Professor of October 20th, 1869, § 15 (40), he still maintained that the latter "virtually and beyond all denial resigned his appointment in the *T'ung-Wên-Kuan* on the 11th of June, last year",

General, as it is amusing. He could *hardly* have forgotten certain occurrences in the interval, and the Professor's letters to him in May, 1869 (p. 668, Note 1).

³ This term shows the force of impressions: the original text reading "*T'ung-Wên-Kuan*", i.e. "the School of Languages and Literature". It is no "College" in the proper sense of the term.

and, on that *false* ground, in his letter of November 2, 1869, (42), still refused to pay to the Professor the salary, due to him by the Chinese Government, out of funds held by Mr. Hart for that purpose.

Fifthly, that Mr. Hart, although, when, in his letter to the Professor of October 15th, 1868, he conveyed to him a first intimation of his alleged resignation, the Professor, in his reply of October 19, 1868, (35), had at once protested against that assertion as "at variance with the facts of the case and with truth", Mr. Hart, in his first despatch to the Yamén of September 22, 1869, did not, as in honor and duty bound to do, make any mention of the Professor's protest.

Sixthly, that Mr. Hart, in his first despatch to the Yamén of September 22, 1869, without having ever preferred or intimated such a charge to the Professor himself, and without his knowledge, for the first time charges him, behind his back, with having, since June, 1868, "steadily declined to do any of the work allotted to him"; that he does so *knowing the charge to be false*; and yet proposes to the Yamén to dismiss the Professor on the ground of an accusation, which he knew to be false.

Seventhly, that Mr. Hart, in his first despatch, charges the Professor with having declined to perform his duties *since June, 1868*, at the same time that he asserts the Professor to have, in June, 1868, *resigned his duties*—a contradiction in terms.

Lastly, that Mr. Hart, in his second despatch of November 22, 1869, whilst retracting his original assertion of the Professor's resignation, and requesting the Yamén to lay aside his proposition that the Professor be dismissed, does *not* retract his accusation, for the first time in his despatch to the Yamén of September 22, 1869, brought against the Professor, of having "steadily refused to do (since June, 1868), any of the work allotted to him", *knowing* not only that, in the absence of College, Observatory, and Students, no work ever *had* been allotted to him, but that, on the 25th October, 1867, he had written to the Professor: "the students will not be ready to join the Astronomical class *for seven or eight years to come*"—the Professor having in February, 1867, been relieved of his *mathematical duties*—, "and the steps to be taken for the construction of an Observatory may be safely deferred *for the next five years*", (24), and on the 20th October, 1869, § 19: "you were neither asked to perform any extra work,¹ nor

¹ Mr. Hart "expected" from his clerks and subordinates to do any "extra work", he chose to assign to them; and he would here seem to reckon it a merit unto himself, that he modestly abstained from indulging in similar "expectations" in regard to the

even called on to enter upon the active duties of your appointment", (40)—and, therefore, *knowing his accusation to be false.*

46. Both Mr. Hart's letter to Dr. Martin and his despatch to the Tsung-li Yamén (45) being thus found unsatisfactory, and simply intended, serving his own and Dr. Martin's purposes, to connect the Professor with the *T'ung-Wén-Kuan* (44), the latter addressed the following notes to Dr. Martin:—

Peking, November 22, 1869.

In reply of your note of to-day, inclosing for my information the copy of a letter addressed to you by Mr. Hart on the 22nd instant, you will permit me again to state in explicit terms, that I never did tender my resignation as Professor of Astronomy in the projected University, and Director of the projected New Observatory, of Peking, and that, consequently, no such resignation ever was, or could have been accepted by, the Imperial Government; that I continue to hold my position under the Imperial Government, in virtue of my appointment on its behalf by Mr. Hart, duly sanctioned; and that, with every personal esteem for you, I cannot and do not admit my retaining that position to depend in any manner or way whatever on either your approbation or disapprobation.

Peking, November 26, 1869.

I have to acknowledge the receipt of the copy of a Chinese dispatch from Mr. Hart to the Imperial Government, retracting, as you inform me in a note of yesterday, the Inspector-General's previous notification of my (alleged) resignation. I must, however, delay my reply until I shall have been favored by you with such precise information respecting the institution to the direction of which you have been appointed, and the nature of what may be our future relations to each other, as will enable me to arrive at a clear view of the matter, and to form a judgment and a decision according to the state of the case.

For this purpose I request, that you will be pleased to inform me in plain terms—

1stly, Whether your appointment as "President of the *T'ung-Wén-Kuan*" has received the Imperial sanction, and by what, and by whose, authority you hold the appointment in question?

2ndly, What is the Chinese title designating your public position in the *T'ung-Wén-Kuan*?

3rdly, What are the powers conferred on you?

4thly, What are the duties, &c., which, under your Presidency, I should be expected to perform?

5thly, Do you, or do you not, accept, and acknowledge yourself bound by, the engagements, on behalf of the Imperial Government entered into with me by Robert Hart, Esq., Inspector-General of Chinese Maritime Customs?

6thly, In what public capacity, in the institution under your Presidency, are you prepared to recognize me?

7thly, What do you understand by the *T'ung-Wén-Kuan* as an institution of learning?

In a private note of the same day the Professor remarked: "I have and can have no possible objection to recognizing your relation as President to the *Tung-Wén Kuan*, as an institution, with which you (correctly) state me

Professor of Astronomy, to whom he stood in no other relation save that of paymaster, and medium of communication with the Chinese Government. Truly, Mr. Hart is a modest man.

to have no connection whatever"; and, after expressing a hope that Mr. Hart might yet accede to the Professor's proposition for an amicable arrangement (44) and thus render legal proceedings unnecessary, he added: "But, I request you will inform Mr. Hart that, after my departure for Shanghai,—which I have fixed for to-morrow morning,—I shall consider myself no longer bound by the proposition in question".

47. On the preceding day, the Professor having requested Mr. Hart, Secretary, Mr. Campbell, "to remind the Inspector-General of the Professor's vain request to be paid a certain small sum,—Tls. 1500—, lawfully due to him on account of salary, etc.", this led to the following correspondence:—

Mr. Campbell to the Professor.—

Peking, 25th November, 1869.

I have communicated the contents of your note, just received, to Mr. Hart... With reference to your request to be paid money due to you on account of salary, I am to inform you, that all such application should bear the counter-signature of the President of the College, and, upon presentation at the Inspectorate-General, they will, of course, be duly attended to.

The Professor to Mr. Campbell.—

Peking, November 26, 1869.

...As regards a "counter-signature of the President of the College", of which you speak, I hardly understand your meaning. The application, which I made for money due to me on account of salary, etc., cannot possibly be subject to any such "counter-signature": and to remove every doubt upon this point, I now request that either the sum previously named to Mr. Hart, or else the whole amount actually due at this time, less the sum of Taels 158, which in a separate note I request to be paid on my account to * * *, be paid to me in a cheque on the Oriental Bank Corporation in Shanghai. I shall deem it a favor, if Mr. Hart will cause this to be done in the course of to-day.

Mr. Campbell to the Professor.—

Peking, November 26, 1869.

With reference to your note of this date, it only remains for me to say, that the President of the *T'ung-Wên-Kuan* is not likely to object to sign any requisition of yours for salary that may happen to be due to you: at all events, no payments can be made from this office on account of the *T'ung-Wên-Kuan* without his counter-signature.

The Professor to Mr. Campbell.—

Peking, November 26, 1869.

...The salary due to me can have, and has, no connection whatever with such an official as the President of the *T'ung-Wên-Kuan*: it being due to me in virtue of the appointments I hold in the College projected in a Memorial of the Tsung-li Yamén to the Imperial Throne, dated the 5th day of the 11th month of the 5th year of *T'ung-Chih*, and to which appointments I was nominated by Mr. Hart.

The sum due to me, or rather the sum which Mr. Hart may consider due to me, for salary, is not a matter of "happening" or chance, but one of fact, and I now once more request, that that salary be paid to me in the manner specified in my letters of this day to Mr. Hart and yourself, or in any other lawful way, before this evening.

Permit me to observe that, unless this be done on grounds valid in law be stated why it should not be done, Mr. Hart's refusal will constitute a legal act of bankruptcy, and that it will become my duty to have the matter brought to the cognizance of the Imperial Government.

In reference to the Professor's money-order for Taels 158, Mr. Hart wrote personally to * * * as follows :—

Peking, November 27, 1869.

Requisitions for money, addressed to this office by the Professors connected with the *T'ung-Wên-Kuan*, ought to be countersigned by the President Dr. Martin, and should then be sent to the Chief Secy., Mr. Campbell, who attends to such payments. I return the letter,—the Professors's money-order,—which accompanied your note; if you will procure Dr. Martin's counter-signature to it, and then send it to Mr. Campbell, it will be attended to.

From this correspondence it is seen that, on the 25/27th of November, 1869, the Inspector-General *distinctly acknowledged* being indebted, on behalf of the Chinese Government, to the Professor of Astronomy in a sum of upwards of Taels 1500 (about £500) for salary then due to him, and that Mr. Hart was prepared to pay that amount, provided the Professor had been willing to obtain the counter-signature of the so-styled "President" of the *T'ung-Wên-Kuan* to his requisition. For valid reasons, stated by him, the Professor declined conforming with Mr. Hart's utterly unwarranted demand; and, hence, the Inspector-General *refused to pay to the Professor, out of funds placed in his hands for that purpose by the Chinese Government, a sum of money, on account of salary, by him acknowledged to be due to the Professor.* We need not remark, that Mr. Hart's sole object in desiring the counter-signature of "the President of the *T'ung-Wên-Kuan*, Dr. Martin" to the Professor's requisition was, to cause the latter, by that act, to admit his connection with the "Language-School". What construction, under these circumstances, the Law might place on Mr. Hart's attempt to induce * * * to "procure Dr. Martin's counter-signature" to the Professor's money-order,—and which signature subsequently *was* procured,—we know not.

48. There being now no prospect left to bring about an amicable settlement of his differences with Mr. Hart, and the navigation of the Pei-ho being about to close, the Professor of Astronomy addressed the following letter to the Inspector-General :—

Peking, November 27th, 1869.

I have to acknowledge the receipt of your two letters, dated the 20th October and 2nd November, the voluminous sheets composing the former bound up by the seal of the "Inspectorate-General", which I beg leave to return to you herewith, as between it and the matters, treated of in your letters, I can perceive and admit no connection.

Your refusal to settle the differences, pending between us, either by fair arbitration or an amicable arrangement, impose on me the necessity of submitting them to a legal decision. With this view I intend proceeding to Shanghai to-morrow; and I, therefore, request that you will be pleased to acquaint the Imperial Government with both the occasion for, and the object of, my temporary absence from the capital,—to which there can exist no objection, since you informed me on the part of the Imperial Government, in your letter of the 25th

October, 1867, that "the students will not be ready to join the astronomical in for seven or eight years to come, and the steps to be taken for the construction of an Observatory may be safely deferred for the next five years".

This leaves me for the present only to protest, and I hereby do protest, at variance with the facts of the case and with truth, against the charges brought by you against me, and the numerous misstatements and unfounded assertions contained in your partly garbled, partly erroneous narrative of the 20th October and elsewhere; and to hold you responsible at law, as I hereby do hold you responsible, for those charges, statements and assertions, and all consequences arising therefrom; as well as for all losses and consequences prejudicial to me which have arisen or may still arise to me, from your having on the 1st August, 1866, appointed me to the Chair of Mathematics and Astronomy in the College or University of Peking, with the foundation of which I was informed, on your behalf, by your Secretary, James D. Campbell, Esq., and whose statement was silently concurred in by you, that you had been entrusted by both the Chinese and the English Governments, as appears from my letter to you of the 3rd August, 1866, and of which letter you transmitted to me a true copy of yours of the 20th October, 1869. And I further hold you responsible for all losses, disadvantages, and consequences prejudicial to me, which have arisen or may still arise, directly or indirectly, from the non-fulfilment of engagements entered into with me, and from the whole line of unjustifiable conduct, observed by you towards me from August, 1866, to this day.

Accordingly, the Professor started on the 28th November for Shanghai.

49. Immediately upon his departure from Peking, Mr. Hart, who was to leave the Capital a few days later, addressed, it appears, a despatch to the *Tung-li Yamén*, the object and contents of which will be gathered from the Yamén's reply to him, which we subjoin in an English translation:—

Peking, November 29, 1869.

On the 23rd of November the Yamén received a despatch from the Inspector-General reporting, that, having reference to Professor Fang, who, according to an intention formed in June 1868, having resigned his appointment, was to have gone home,—President Martin had stated that the Professor, still in Peking, disputes the Inspector-General's report concerning his resignation: the Inspector-General thereon proceeds to say "As the Professor now maintains that he has never resigned, the Yamén is requested to consider the despatch, reporting him to have resigned, as not written". Just as the Yamén was drafting its reply, another despatch was received from the Inspector-General dated 28th November, and which states:—The Inspector-General's last despatch requesting the Yamén to cancel a former despatch reporting Fang's resignation was duly communicated to Professor Fang by President Martin. Professor Fang has now written to say, that it is his intention to leave Peking on the 28th November to go to Shanghai, to procure a legal decision in those matters wherein he considers the Inspector-General's action wrong, and he requests that the same may be reported to the Yamén.

On the 28th Professor Fang left Peking. In acting thus, and in leaving without permission, Professor Fang appears to the Inspector-General to be doing what, if allowed to pass unnoticed, may be harmful to the interests of the *T'ung-Wên-Kuan*. The Yamén is, therefore, requested to consider the matter, and issue instructions for the Inspector-General's guidance.

Having received the foregoing report, the Yamén in reply has now to state that, in view of the action thus taken by Professor Fang, it is not fitting that he should be any longer retained as a Professor in the said College.

The Inspector-General is accordingly hereby instructed to acquaint the President with the Yamén's decision and to intimate the same to Fang.

The Yamén, in conclusion, leaves it to the Inspector-General to be guided by circumstances in deciding whether or not to issue a year's pay and allowance for passage home to Fang.

Premising that this despatch, and in its preceding version alone, came to the knowledge of the Professor only at the subsequent trial, and that it is silent upon the *verbal* representations made by Mr. Hart and Dr. Martin to induce the Professor's dismissal by the Yamén; it is clear, that that dismissal *was induced by Mr. Hart*, and, although it is here simply motivated by "the Professor acting thus and leaving Peking without permission", that Mr. Hart's two previous despatches, the former of September 22, 1869, (*falsely*) charging the Professor with a persistent refusal to *perform* his duties, and (*falsely*) asserting him to have, in June 1868, *resigned* those duties; the letter of November 22, 1869, retracting the assertion of his resignation, but *leaving the charge of neglect of duty* (Mr. Hart knowing it to be false) *in force against the Professor*, must necessarily have influenced the Yamén's decision. And what cannot but have further influenced such a decision is, that Mr. Hart, *contrary to the Professor's request*, wilfully omits to state to the Yamén that his absence from the Capital is to be temporary only; that Mr. Hart's "refusal to settle the differences, pending between them, either by fair arbitration or an amicable arrangement, has imposed on him *the necessity* of submitting them to a legal decision"; and "that there can exist no objection to his temporary absence from the capital, since Mr. Hart informed the Professor, on the part of the Imperial Government, in his letter of the 25th October, 1867, that "the students will not be ready to join the Astronomical class for seven or eight years to come, and the steps to be taken for the construction of an Observatory may be safely deferred for the next five years", i. e. that the Professor *would, certainly before October, 1872, have no duties whatever to perform*. And, furthermore, Mr. Hart fails to explain to the Yamén, that he engaged the Professor, not, in the name of the Tsung-li Yamén, for the *Tung-Wên-Kuan*,—although he fraudulently introduced that name into the Professor's letter of appointment—; but, on behalf of the Chinese Government for a projected "College of Western Science and Learning", which was neither at any time projected by the Imperial Government, nor ever had an existence. Unquestionably, therefore, Mr. Hart has not merely *induced* the Tsung-li Yamén to dismiss the Professor, from the service of the Imperial Government; but he has induced the Yamén to do so by *wilful misrepresentations*, affecting both the Yamén and the Professor.

50. As to the ground, assigned by the *Tsung-li Yamén* for the

Professor's dismissal, namely his presuming "to procure a legal decision on those matters wherein he considers Mr. Hart's action wrong", and in "leaving Peking without permission"—a proceeding, which may, it appears to the pure but somewhat squinting eyes of the Inspector-General, "if allowed to pass unnoticed, be harmful to the interests of the *T'ung-Wên-Kuan*"—, we judge it, more especially under the circumstances of the case, unworthy of present remark. It is not quite so easy to shake the position of a Professor even of Arabic, and in an English University, as illustrated by the following article, which appeared in the "Pall Mall Budget" for October 22, 1869 :—

In accordance with his usual custom, the Lord Almoner's reader in Arabic in the University of Cambridge has announced his intention of delivering a course of lectures during the ensuing term. For ten years at least the same announcement has been made, but no lectures have been given, although several members of the University have expressed their wish to attend. It is time for the present reader to consider, whether it would not be becoming to resign an office, the duties of which he declines to fulfil.

We may just add that, in the modern sense, "a University" is an assemblage of Colleges, and "a College" a school of high learning in every branch of science, incorporated under a public charter, endowed with ample revenues, governed by its own statutes, and possessed of various privileges, powers of jurisdiction, etc.; with a head and officers, periodically chosen from among its own professors. Is, perchance, the *T'ung-Wên-Kuan* such a College, or was "the New Chinese University" of profane memory, ever, unless it be in Dr. Martin's Dedications, (4) an assemblage of such Colleges? In China, a Professor of Astronomy, if need be, may at any time make his influence felt; and both a foreign Inspector-General of Customs, aping Imperialism, and native Members of the *Tsung-li Yamén*, daring, the one to induce, the others, in the name of the Yamén presided over by his Imperial Highness Prince Kung, to decree, *without the sanction of the Emperor*, the dismissal of a Professor of Astronomy, *appointed with the Emperor's special sanction* (10), will have to learn, that there attaches responsibility to their "doings".

51. The Professor's illegal and unwarranted dismissal was communicated to him in two letters from Dr. Martin and Mr. Hart. The former, signed: "W. A. P. MARTIN, *President of the T'ung-Wên-Kuan*", reads thus:—

Peking, 2nd December, 1869.

I am in receipt of yours of the 26th ultimo (46); but the information which it is now my unpleasant duty to convey to you, renders it unnecessary for me to reply particularly to your various questions.

From a despatch of the *Tsung-li Yamén* addressed to the Inspector-General of Customs, a copy of which is now before me, I learn that the Board of Foreign

Affairs do not require your services any further as a professor in the T'ung-Wên-Kuan. Their despatch is under date of the 29th ultimo, and your salary will therefore be paid up to that time.

This action of the Yamén is founded on the fact of your unauthorized departure, together with its motives and objects, at a time when your active services might be required for the College.

The disagreeable result, which I have thus announced, I laboured earnestly to prevent as you are aware, and with sincere regret for its occurrence, etc.

We need hardly observe that the Professor of Astronomy took no notice whatever of this epistolary effusion, which we quote chiefly for the purpose of illustrating the amusing hypocrisy and *mauvaise foi* of the "earnestly labouring President of the T'ung-Wên-Kuan", in pretending that the Professor had actually lent his services—they being, as he states, "no further required"—to the "Language-School" of the Tsung-li Yamén, when he *knew* that he (Dr. Martin) had used all his powers of persuasion, promise, and intrigue in vain (44, 46) to seduce the Professor from his allegiance to "the Imperial Government" and its "New Chinese University" (4) and Observatory; nay, after he (Dr. Martin) had distinctly and in writing declared the T'ung-Wên-Kuan to be "an institution, with which he (the Professor of Astronomy) had no connection whatever". The Inspector-General's letter reads thus:—

Peking, 30 November, 1869.

I have to acknowledge the receipt of your letter to my address of the 27th instant, and, in reply, I have now to inform you, that I yesterday received instructions from the Foreign Board to acquaint the President of the T'ung-Wên-Kuan that your services are no longer required. I am also instructed to notify the same to yourself.

This letter, which, we presume, no gentleman would or could have written, led to the following correspondence:—

The Professor to Mr. Hart.—

Shanghai, December 11, 1869.

In answer to your letter, dated Peking the 30 November, and just received here, I have to request that you will be pleased to furnish me with a copy of the instructions, which you state to have received from the Foreign Board, to the effect that "my services are no longer required",—in order that I may be enabled to act accordingly.

Mr. Hart's Secretary to the Professor (A).—Shanghai, 15 December, 1869.

I am directed by the Inspector-General of Customs to acknowledge the receipt of your letter of the 11th instant, and to state, in reply, that, having communicated their purport, the Inspector-General does not deem it necessary to supply a copy of the instructions received from the Foreign Board.

Mr. Hart's Secretary to the Professor (B).—Shanghai, 15 December, 1869.

Mr. Hart requests me to intimate to you, that the President of the T'ung-Wên-Kuan has sanctioned the payment to you of salary for the period from the 1st October, 1869, to the 30th November, 1869,—minus a sum of Taels 158, authorized to be paid, on your account, to * * *.

The Professor to Mr. Hart.—

Shanghai, December 17, 1869.

I have received your communication of the 15th instant, stating, in reply to my letter of the 11th instant, that "having communicated their purport, the Inspector-General does not deem it necessary to supply a copy of the instructions received from the Foreign Board". Under these circumstances, your intimation of the 30th ultimo, to the effect, that you "yesterday received instructions from the Foreign Board to acquaint the President of the *T'ung-Wu-Kw* that my services are no longer required", and that you were "also instructed to notify the same to myself", assumes the form of a simple personal statement on your part, utterly unintelligible in itself, and of which, as such, I can take no notice, nor need discuss with you. [The remainder of this letter, in reply to Mr. Campbell's letter (B), contains a repeated request for the payment of salary].

Mr. Hart's Secretary to the Professor.— Shanghai, 18th December, 1869.

I am directed by the Inspector-General of Customs to acknowledge your letter of the 17th instant.

I am to hand you the enclosed cheque for Taels 176²⁰⁰, balance of pay due to you at the end of November last.

And with reference to the concluding paragraph of your letter, I am to inform you that the Tsung-li Yamén has authorized the Inspector-General to decide whether or not a passage home and a money allowance of one year's pay shall be given.

The cheque, here spoken of, was never proffered to the Professor by Mr. Hart's Secretary. He simply presented a form of receipt, by signing which the Professor would have signed away his whole claim against the Chinese Government and Mr. Hart, and which he, consequently, declined to sign. Mr. Campbell,—and it was on this occasion, the Professor told him so,—throughout this affair, and from first to last, betrayed an old friend, in order to serve a new master and his own interests.

52. In reply to the last communication from the Inspector-General through his Secretary, the Professor wrote to the former as follows :—

Shanghai, December 21st, 1869.

Your Chief-Secretary, Mr. Campbell, has handed to me your communication of the 18th instant, stating, in partial reply to my letter of the previous day, that "The Tsung-li Yamén has authorized you to decide whether or not a passage home and a money allowance of one year's pay shall be given". I therefore, request that you will be pleased to decide and to inform me, without delay, of your decision, in order that I may be enabled to act accordingly. Every unnecessary suspense, under the circumstances, involves, as you cannot but be aware, great and serious inconvenience to me, and appears to me liable to be construed as chicanery on your part, if not as an attempt to unduly interfere with my freedom of, or to unduly influence my, action.

In the above named communication it is further stated, and *without any accompanying explanation*, that your Chief-Secretary was "to hand me a cheque for Taels 176²⁰⁰, balance of pay due to me at the end of November last". What you may understand by "balance of pay", I neither know, nor care to enquire. In my letter of the 17th instant, I distinctly requested that you would, and now again request that you will, forthwith pay to me, in a cheque on the Oriental Bank Corporation of this city, *on account of salary lawfully due to me*, either the sum of fifteen hundred taels previously applied for by me; or else.

without prejudice to my lawful claims, such a sum as you may consider remaining lawfully due to me for salary by the Imperial Government up to the 30th November last, and deducting the sum of Taels 158 (one hundred and fifty-eight) Peking currency, provided this sum actually has been, or at once will be paid by you, on my account, to * * *. I called, and I now again call, your attention to the fact, firstly, that, as is known to you, no salary, despite of my repeated application, has been paid to me by you on account of the Imperial Government since the beginning of October, 1868; and secondly, that Dr. Martin has, with a copy, he states, of the despatch addressed to you on the subject by the Tsung-li Yamén, before him, informed me, that you have been instructed by the Tsung-li Yamén to pay to me the amount of salary remaining due to me up to the 29/30 November last.

Now, as the *minimum* amount, in your estimation, of such salary can be subject to no doubt, since for the term of fourteen months and at the nominal rate of 1800 Haikuan taels per annum, it will amount to two thousand one hundred (2100) Haikuan taels; and this, consequently, is the *least* sum, for which, conformably to the instructions received by you from the Tsung-li Yamén, you can offer me payment. Considering, however, that the annual salary to be paid to me was, at the time of my appointment, left an open question, and that I consider myself entitled to, and always have claimed a yearly salary of not less than £2000—, I was desirous of giving you the option and the opportunity of offering to me such a sum for balance of salary up to the 30th November last, as might possibly prevent any further discussion or litigation on the subject.

When I am, therefore, informed by your Chief-Secretary, that he is to hand me a cheque for Tls. 176²⁰⁰, instead of either of the sums lawfully due to, and applied for by, me; and when, instead of a cheque, he simply tenders to me, as he did, a form of receipt, by signing which I was virtually expected to sign away for a consideration of Shanghai Tls. 176²⁰⁰, my claims to a sum between a *minimum* of upwards of Shanghai taels 2000, unquestionably and lawfully due to me, and a sum of something like * * *, which a Jury might or may award to me for balance of salary: I must confess to be at a loss in what terms to qualify such a proceeding.

I again request that, after the present explanation, you will, without any further vexatious delay, attend to my application for the payment of salary lawfully due to me, and which you have been instructed by the Tsung-li Yamén to pay to me, and that you will also state, whether the above mentioned sum of Tls. 158 has been, or will at once be paid by you, on my account, to * * *, etc.

After the lapse of a few days, the Professor received from Mr. Hart's Secretary this answer:

Shanghai, 27th December, 1869.

The Inspector-General directs me to acknowledge receipt of your communication of the 21st instant, and to state, that he has nothing now to add to what has been already said to you.

Mr. Hart's object in withholding from the Professor the salary, lawfully due to him by the Chinese Government, is plain enough: he wished, as it were, to starve the Professor into subjection; and to keep him deprived of the necessary means to take legal proceedings. With the view, therefore, of giving a more legal form to his reiterated demand for the payment of at least Taels 1500, the Professor issued the following money-order, and which led to the correspondence subjoined:—

Shanghai, January 6, 1870.

Please pay on my account to the Oriental Bank Corporation the sum Haikuan Taels Fifteen hundred, against salary due to me, as per accompanying letter of advice.

ROBERT HART Esq.

Inspector-General of Chinese Maritime Customs
SHANGHAI.

The Professor's letter to Mr. Hart.—

Shanghai, January 6, 1870.

I have received from your Chief Secretary the following communication dated the 27 Dec. ulto.:—"The Inspector-General directs me to acknowledge receipt of your communication of the 21st instant, and to state, that he is nothing now to add to what has been already said to you".

I now beg to inform you, that I have this day issued an order on you for the payment, on my account, of Haikuan taels 1500.—(Fifteen hundred) to the Oriental Bank Corporation of this city,—against salary due to me by the Imperial Government of China, and which you are instructed by the Imperial Government generally and, as I am informed by Dr. Martin, "President of the *T'ung-Wên-Kuan*", especially, to pay to me, out of funds, according to your letter to me of the 2nd November ulto. in your hands for that purpose.

*The Manager of the Oriental Bank
Corporation to the Professor.*

Shanghai, 6th January, 1870.

We beg to enclose your order on Mr. Hart for Hn. Tls. 1500, which has not been paid on presentation. The letter accompanying it has not been returned to us.

This closes the Professor's correspondence with the professing "Agent of the Chinese Government", Mr. Hart, and his Chief Secretary, Mr. James Duncan Campbell.

53. With the whole of the documentary evidence, relative to "the New University of China" under our eyes, we shall now have little difficulty in taking a clear view, and forming a correct judgment, of the merits of the various questions, involved in this singular case. The facts which, as fundamental elements, invite attention are:—

1. In China, "the Government", i.e. "the Chinese Government" is properly speaking, the Emperor [24]; or, in a wider sense his "Privy Council", 內閣衙門, also termed his "Grand Secretariat", and in reality combining the functions and attributes of both. It is immediately through this Yamên, that the Emperor rules and governs the Empire i.e. in the Chinese sense, the World; and issues his commands to every Board, branch, and individual officer of the entire Government-machinery.

2. The *Trung-li Yamên* is not one of the regularly constituted and recognized Government-Boards; but simply a temporary *Commission*, under the Presidency of Prince Kung, appointed by Imperial authority for the general control of certain affairs, commercial and political, connected with the "Outer States", or "barbarian" dependencies, of the Ching Empire.

Universal. It possesses of itself no power or authority whatever; and can lawfully exercise only such power and authority as, in each special case, is by special Rescript conferred on it by "the Chinese Government", i. e. by the Emperor (41, 2), or, under the Imperial seal, by His Majesty's Privy Council.

3. The Tsung-li Yamên can delegate to its *employés* or others no power or authority of any kind, which has not *previously* been conferred on it by Imperial Rescript (41, 2).

4. No individual Member or Members of the Tsung-li Yamên possess, as such, any power or authority whatsoever.

5. No *employé* of the Tsung-li Yamên is, as such, an *employé* of the Chinese Government. The latter position involves a direct appointment, or the special sanction of an appointment on the part of the Yamên by Imperial Rescript.

6. The *T'ung-Wên-Kuan* or "School of Languages and Literature" in Peking—for, there exists a similar School named *T'ung-Wên-Kuan* in Canton also—, was established by the Tsung-li Yamên, authorized by Imperial Rescript, in 1862, for the purpose of instructing Chinese youths in Russian, French, and English, to make Interpreters of them for the Tsung-li Yamên. It is not a Public School of the Chinese Government, but a Private School of the Tsung-li Yamên, established, with the sanction of the Government, within the Yamên itself. Nor is it a College, but an Elementary School, as distinguished from an educational institution of a higher order (6). It possesses no professorial Chairs. In the Yamên's Memorial to the Throne of December 11, 1866, relative to an additional "School of Astronomy and Mathematics", it is expressly stated and laid down, that the three schools of languages, constituting the *T'ung-Wên-Kuan*, are to go on uninterruptedly, and to be conducted in precisely the same manner as theretofore (10).

7. On the 11th December, 1866, the Tsung-li Yamên memorialised the Throne for permission, in addition to, and separate from, the *T'ung-Wên-Kuan*, 同文館, or, "School of Languages and Literature", to establish a *T'ien-Wên-S'óan-S'úe-Kuan*, 天文算學館, or "School of Astronomy and Mathematics", for the purpose of instructing a higher class of students than the youths of the *T'ung-Wên-Kuan*,—Chinese scholars of more or less distinction, and of a riper age,—chiefly in the Mathematical Sciences of the West, with a view to their application to military engineering, ship-building, etc.; and to invite, through Mr. Hart, Inspector-General of Chinese Customs, a Western man, or Western men as teacher or teachers (10). It does not

distinctly appear from the Memorial, whether the students of this projected additional School were to be linguistically educated in, and by the teacher of, the *T'ung-Wên-Kuan*, or otherwise: seemingly the former. The additional "School of Astronomy and Mathematics" also was to be, not a Public School of the Chinese Government, but a Private *School*,—as distinguished from an educational institution of a higher order,—of the Tsung-li Yamén, and to be located within the Yamén itself (10, 11). This Memorial directly addressed by Prince Kung to the Emperor and the two Empresses, Mother and Dowager, received, by special Receipt, the direct sanction of the Emperor (11).

8. In a second Memorial, assented to by an Imperial Rescript of the 29th January, 1867, the Tsung-li Yamén proposed certain regulations in reference to the projected "School of Astronomy and Mathematics", and by which both the students and the teacher or teachers are directed to reside at the Yamén, and to be and "remain there early and late" (11), which, independently of the title of *teacher* given to the latter, proves that what the Tsung-li Yamén required, were not University-Professors, but truly "instructors, in a low sense" (page 611, note 6), or plain school-masters.

54. There is a certain amount of deceit practised by the Tsung-li Yamén upon the Emperor and the Empresses Mother and Dowager, in writing: "We have already conferred with Mr. Hart, Inspector-General of Customs, about inviting Western men on our behalf, and he will be able to attend to it" (10); for at that time the "Western men" spoken of, had actually been engaged by Mr. Hart and arrived in Peking. But, as it rested with the Emperor to grant or to refuse the Yamén's proposition, those words prove that, when the Inspector-General, in the summer of 1866, engaged in Europe the Professors, who accompanied him to China, and, among them, on August 15, 1866, the Professor of Astronomy (8, 3),—to whose case we shall here, for the sake of greater simplicity, confine our remarks,—*he had no lawful and due authority to do so*, because he had only some verbal instructions to that effect from some individual Member or Members of the Tsung-li Yamén, possessed of no authority (53, 4), and because the Yamén itself, possessing no authority, and, therefore, not the power to transfer to another what it did not possess itself (53, 3), memorialized the Emperor for authority only *four months later*, namely, on December 11, 1866. True, that authority happened finally to be granted; but the fact remains, nevertheless, that Mr. Hart engaged the Professor of Astronomy in England without due authority, and thus induced him to

hurriedly (8, s) leave his scientific researches and his prospects in Europe (19), and to accompany him to China *in the utter uncertainty, whether the Professor's services would be required or not*, and whether or not the engagements, concluded by him, would be sanctioned by the Chinese Government.

55. The knowledge, on Mr. Hart's part, that he possessed no lawful and due authority to engage the Professor, when he did engage him in England, and that it would be altogether doubtful whether, on their arrival in Peking, the Professor's services would be required, will, in combination with another circumstance, fully account, and, it appears to us, can alone account, for the peculiar wording of the letter of appointment, granted by Mr. Hart to the Professors. The circumstance alluded to, is this. We have seen that, in December, 1866, and January, 1867, it was the clearly-defined intention of the Tsung-li Yamen, sanctioned by the Emperor, to establish, in addition to the Yamén's Elementary Language-Schools, a similar "School of Astronomy and Mathematics" (10, 11). We have also seen, how Mr. Hart, in the spring of 1866 and on the eve of visiting Europe, having been spoken to by some individual Member or Members of the Yamén about inviting Western men as teachers for both Schools (10), had construed what he mistook to be the Yamén's future wishes; formed thereon and thereof *a plan of his own*; and determined to carry out that plan, personal to himself, as being *the most likely one to give to the Yamén's anticipated wishes the fullest effect* (38, § 5, and note 15). Mr. Hart's plan was as ambitious and large, as the Yamén's plan was modest and restricted. The latter aimed at nothing more than the education of some native scholars in a sound knowledge of Western Mathematics, with a view to the ulterior application of such a knowledge for *military*, anti-foreign purposes (8, 10, 11): the former aimed at nothing less than,—ostensibly at least (22)—the Regeneration of China through the instrumentality of Western Science and Learning (21), *and the success of the, already then contemplated Burlingame Mission* (22). The Yamén's scheme confined itself to a school-room and a few teachers' rooms in the native fashion (40, § 9) within the walls of the Yamén (10, 11): Mr. Hart's scheme comprehended a University, or a "College" in the sense of a University, not second to European Universities (8, s; 24; 39; 20; 4; 3; 2), an Observatory and a Library (24; 20; 19), together with detached residences and gardens for the Professors, etc.,—the whole, forming a magnificent pile of buildings encircled by its own walls, to occupy the site of the destroyed Summer-Palace of the Emperors of China, and to re-ornament the park-like grounds of the "Yüen-ming-yüen" (21). *This entire*

College or University-scheme, therefore, was the personal scheme of Mr. Hart for which he had no authority of any kind ; and the responsibility of what was altogether his own. Hence, he exceeded what we must conclude to have been the verbal instructions, given to him by some individual Member or Members of the Tsung-li Yamén, not only in engaging in Europe Professors, instead of school-masters (54), but also in engaging the former for a College or University of Western Science and Learning, instead of a "School of Astronomy and Mathematics". And hence, again, a desire on the Inspector-General's part, in the event of a failure of his personal plan, to secure himself against the consequences of such a failure.

56. In the two facts just alluded to, and which, combined, may be described as Mr. Hart's scheme for the Regeneration of China with a view to his own personal advantage, but at the risk, and, if need be, at the expense, of his chosen instruments, lies THE KEY TO HIS WHOLE ACTION towards the Professors generally, and the Professor of Astronomy in particular. We have already stated, that Mr. Hart is a thorough egotist,—unscrupulous and ambitious selfishness personified. Viewed in the light of our present knowledge of the professing "Agent of the Chinese Government", the peculiar wording of his letters of appointment (8, s) becomes intelligible at once. There is neither the Chinese Government nor the Tsung-li Yamén mentioned in them, because he had authority from neither to make the appointments he did ; and he wished to guard himself, *from the first*, against the possible legal consequences of his illegal acts, and self-incurred responsibilities. From the same motive, he exceptionally signed the letter of appointment for the Professor of Astronomy from Lisburn in Ireland : "ROBERT HART, Inspector-General of Customs", by implication of Irish Customs ; whereas his usual signature is : "Inspector-General of Chinese Maritime Customs". From the same motive he wished, as his Secretary explained, "for reasons of his own", the Professor's *nominal* salary to be stated in the ambiguous terms : "to commence at the rate of Tls 1800 from the date of his departure from Europe". Mr. Hart, commonly so liberal in the use of commas, here omits them, to be enabled to combine the words "to commence at" with the words "from the date of your departure", as though he had written or *meant* to write : "to commence, at the rate of Taels 1800, from the date of your departure from Europe". But in this case, his cunning has over-reached itself. Not only does the very *absence* of, what in his sense would be, the proper inter-punctuation show that the words "to commence" have grammatically to be construed with

the *immediately* following words: "at the rate of Taels 1800", and that the copula "and" has to be supplied, as is often the case, in order to connect the sequel with what precedes. Mr. Hart himself, moreover, in his letter to the Professor of October 20, 1869, §6, previously transcribed, states in the most explicit terms, that the salary was on his own part never intended to be at the fixed rate of Taels 1800; and this proves indisputably that, by his very letter of appointment, *the amount of the Professor's salary was left an open question*. From still the same motive, to which we have called attention, Mr. Hart writes, that the Professor has been "*selected for appointment*;" so that, on his arrival in Peking, had that "selection" not been sanctioned by the Chinese Government, Mr. Hart might, if necessary, have pleaded against the Professor the artful and quibbling terms of appointment, as "accepted by the Professor himself". From the same motive, finally, Mr. Hart substitutes, in his letters of appointment, for the "College of Western Science and Learning", to Chairs in which he had nominated the Professors, the Chinese words *T'ung-Wên-Kuan*; and, their meaning being unknown to them and left unexplained by him, he tacitly led the Professors to conclude and believe, that by those words was designated the projected University, for which they had been engaged. By means of this fraud, Mr. Hart intended to keep himself harmless, legally and pecuniary, should his College-University-scheme fail,—if the *realisation* of such a scheme was ever truly contemplated (22)—, and to turn over the Professors as school-masters, in virtue of his School-College-plan, held in reserve, to the "T'ung-Wên-Kuan". The *fraud* is easily proved. Not only did the "Inspector-General of Customs" not mention the word "T'ung-Wên-Kuan" to any one of the Professors, engaged by him in Europe, until a considerable time after their arrival in China: in the case of the Professor of Astronomy, moreover, it clearly appears from his letter to Mr. Hart of January 28, 1867, that he still then understood the Chinese term to signify the projected College, by the following passage:—"Unless I be mistaken in these views, the Imperial Government, in determining on the introduction of Western Science into this country, has aimed and is aiming at nothing less than the Regeneration of China, and that it is with a view to the final accomplishment of this great idea, first conceived and proposed by yourself (Mr. Hart), *that the College of T'ung-Wên-Kuan is to be founded*" (21). And what places the matter beyond a doubt, are the two facts, on the one hand, that it was a *projected University*, a "College of Western Science and Learning", for which he nominated, and to Chairs, possessed by a University alone, in

which he appointed, the Professors (8, 3; 8, 2; 24; 39; 21; 4; 3; 2; etc. on the other hand, that the *T'ung-Wên-Kuan*, which he surreptitiously substituted for his projected College in his letters of appointment, was an existing School of Languages (53, 6), which he knew to exist, as such, and have existed, as such, in Peking since 1862 (38, Mr. Hart's letter § 3) and which possessed no Chairs and was never intended to possess any (10, 1). *This fraudulent introduction of the "T'ung-Wên-Kuan" into the Professor's letter of appointment, constitutes one of the leading features of the case, and should be borne in mind with a view to the true appreciation of its merits.*

57. It may possibly be a question of legal, but it can hardly be one of moral, doubt, whether in his negotiations with the Professor, Mr. Campbell, the Inspector-General's Secretary, acted in the capacity of an agent of the latter, or in that of a friend of the former. The Professor, it is true, had known Mr. Campbell and his family for years. He, consequently, placed credence, alas! in his representations. But this is the only circumstance which can be truly adduced in favour of the hypothesis, that Mr. Hart's Secretary did *not* act in the matter as the agent of his chief. All other circumstances tend to prove the contrary. The scientific objects, which completely absorbed the Professor's attention, had taken him to London; and in London he had reason to confidently anticipate that success would ere long attend his efforts. He had neither wish nor intention to leave England, much less Europe, and positively declined Mr. Campbell's first overtures,—overtures, made to the Professor, in pursuance of a written note, by which Mr. Campbell asked him to come to breakfast at his Club, as he had something of interest to propose or to communicate to the Professor. This was the proposition that the Professor should become a candidate for the Chair of Astronomy in a New University, with the foundation of which Mr. Campbell informed him, Mr. Hart had been entrusted by both the Chinese and the English Governments (8, 2). Now, on the one hand, this proposition was made by Mr. Campbell, holding, as known to the Professor, the position of Mr. Hart's Private Secretary, *with Mr. Hart's previous knowledge*; on the other hand, the Professor had never asked, and never thought of asking, Mr. Campbell to mediate for him in any way or for any object whatsoever. And, in addition to this, after the Professor had positively declined Mr. Campbell's proposition, *the latter continued to urge it upon him* by untrue representations, and wilful suppression of the truth. He alone spoke to the Professor about salary, and communicated to him what he stated to be Mr. Hart's intentions and promises respecting it, and

the future position of the Professor in Peking (8, 3) ; his conduct throughout the progress of the whole affair has been such, as in every sense to warrant the Professor's reproach of having "betrayed an old friend in order to serve a new master" (51) ; and, finally, on Mr. Hart's appeal to Her Majesty in Council from the judgment of the Supreme Court in Shanghai, of which we shall presently speak, whom should the Inspector-General send, and who should proceed, to London as his agent to act against the Professor ? His Secretary Mr. Campbell. There has, from first to last, existed a unity and a concert of action between the two, which, under all the circumstances of the case, might possibly render them liable to further proceedings at law, should such a course be forced upon the Professor. Be this as it may : it is a positive fact, that Mr. Campbell *falsely represented* to the Professor, *with the view of inducing him, after his first refusal, to offer his services to Mr. Hart*, that the latter had been entrusted by both the English and the Chinese Governments with the foundation of a College at Peking (8, 2)—, a statement, which contained not a word of truth. Now, it is not likely that Mr. Campbell should have altogether invented such a story ; and from what other source, then, save from Mr. Hart himself, can he reasonably be supposed to have derived it ? This inference is almost reduced to a certainty by the consideration, that Mr. Hart read the letter, sketched out by Mr. Campbell himself, and in which the Professor states to the Inspector-General in explicit terms : "*I have just learned from my friend James D. Campbell Esq., that you have been entrusted by the Chinese and English Governments with the foundation of a College at Peking, and are about to appoint to it Professors in various branches of Science and Learning*"; that, at the interview between the Professor and Mr. Hart arranged by Mr. Campbell in consequence of this letter, the Professor verbally repeated to Mr. Hart the statement in question ; that, subsequently, the latter sent to the Professor a "true copy" of the letter ; and that, *on neither occasion did Mr. Hart rectify that statement*, but, on the contrary, *tacitly confirmed, and, therefore, adopted and rendered himself responsible for it, as though it had been his own*. It is also not undeserving of remark, that in the "communicated" article on "the New Chinese University", which has been transcribed by us from "the London and China Express", there occurs the following passage : "The whole civilized world has a stake in its success, and we are, in truth, much mistaken if every support be not given to it by the Governments of European States" (2). Again, the Inspector-General and his Secretary agree in misrepresenting to the Professor the climate of Peking (19), and in withholding

from him every information respecting the condition of "the Northern Capital", which could, and certainly would, have determined the Professor to abandon the idea of proceeding to China, whatever might have been the inducements offered to him. "Peking", Mr. Campbell would tell the Professor, in answer to his urgent inquiries, "Peking must be seen to be appreciated!" leading the Professor to believe, that it was a magnificent city, and assuring him that he need provide for nothing in England, as he would find in Peking everything he could possibly require,—a wilfully false assurance; but which, together with Mr. Campbell's manoeuvre to defer the arrangement of the salary until after the Professor's arrival in Peking, led to the, next to unavoidable inference that, like Mr. Hart, he was perfectly cognizant of the unauthorized action of the Inspector-General, and the uncertainty whether or not the services of the Professor would be required at all by the Chinese Government; and that, consequently, both Mr. Hart and his Secretary,—in inducing the Professor by false pretences, wilful misrepresentations, and intentional suppressions of the truth to accept the appointment to the Chair of Mathematics and Astronomy in what they represented to be the projected College of Western Science and Learning at Peking, and to leave his pursuits and prospects in England,—acted in concert.

58. From what has thus been said, the means employed in London by the Inspector-General and his Secretary, either individually or conjointly, for the purpose just alluded to, may be specified as follows:—

False pretences: 1stly, to the effect that Mr. Hart was the Agent of the Chinese Government; 2ndly, that Mr. Hart had been entrusted by both the English and the Chinese Governments with the foundation of a new educational institution at Peking; 3rdly, that Mr. Hart had been so entrusted with the foundation of a College of Western Science and Learning; 4thly, that Mr. Hart had been empowered by the Chinese Government to appoint Professors; 5thly, that Mr. Hart had been so empowered to appoint a Professor to the Chair of Mathematics and Astronomy in the projected College; and 6thly, that Mr. Hart had been empowered to promise the erection of an Astronomical Observatory and the purchase of a Library.

Wilful untruths and misrepresentations: 1stly, to the effect that the Tsung-li Yamên at Peking is virtually the Chinese Government; 2ndly, that the Tsung-li Yamên at Peking is one of the regularly constituted Boards of the Chinese Government, corresponding to the English Foreign Office; 3rdly, that the object of the Chinese Government and Mr. Hart, in projecting a College of Western Science and Learning at Peking, was the Regeneration of

China ; 4thly, that, within a year's time, reckoned from July or August 1866, *the projected College or University would be in fair working order* ; 5thly, that there were, or by that time would be, Chinese students in Peking, *duly qualified to follow courses of scientific lectures on Mathematics and Astronomy in English* ; 6thly, *that there existed, in August or September, 1866, legitimate cause for the Professor's immediate departure for Peking* ; 7thly, that, in the English sense of the words, a set of furnished apartments had been prepared for the Professor at the Foreign Office in Peking ; 8thly, that the climate of Peking was excellent ; etc., etc.

Intentional suppressions of the truth : 1stly, that there existed, at Peking, a Primary Language-School under the denomination of *T'ung-Wên-Kuan* ; 2ndly, that this was a private school of the Tsung-li Yamên ; 3rdly, that the Tsung-li Yamên, in 1866, contemplated adding to that School another Primary School of Astronomy and Mathematics ; 4thly, that, in order to carry this plan into effect, the Tsung-li Yamên would require, and had, in August, 1866, not as yet obtained, the sanction of the Chinese Government, i. e., the Emperor ; 5thly, that some Member or Members of the Tsung-li Yamên had spoken to Mr. Hart, previously to his visit to Europe in 1866, about engaging a Teacher (or Teachers) for the Yamên's contemplated additional School of Astronomy and Mathematics, and two new Teachers of English and French for the existing Language School ; 6thly, that the climate and condition of Peking is such, as would deter any man of science in delicate health, accustomed to the refinements of life, and engaged in researches requiring the resources of a civilized Metropolis, from accepting an invitation to that disgustingly filthy, unsavoury, and barbarous "Capital of the World".

And, with the view of securing himself, as far as practicable, against the legal responsibilities involved in all these misrepresentations, it has been shown that Mr. Hart added to the letter, by which he appointed the Professor of Astronomy to his Chair, an exceptional signature ; omitted from it every allusion to the Chinese Government or to the Tsung-li Yamên ; introduced into it calculatedly vague and ambiguous terms of agreement ; and fraudulently substituted in it the Chinese name of the Tsung-li Yamên's existing Language-School for the projected Government-College of Western Science and Learning, for which he had engaged the Professor.

59. Having in the immediately preceding paragraphs sketched the first stage of what may be termed the legal and moral aspect of the genetic history of the so-called "New University of China", we proceed to point out

its next stage. It is marked, so far as the Professor of Astronomy is concerned, by Mr. Hart promoting him,—on behalf, as he professed, of the Chinese Government,—to the Direction of the projected New Observatory; and simultaneously relieved him of the Chair of Mathematics in the projected College (20, and note 6 and following note). The time has advanced from the summer of 1866, to the commencement of 1867. The scene is Peking instead of London. The Professor, desiring to return at once to Europe, has applied for advice to the British Minister. Sir Rutherford Alcock, the friend and patron of Mr. Hart, to all appearance communicates to the Inspector-General the Professor's dissatisfaction and intention—an intention which, had it been carried into effect, would have endangered, and might have frustrated, Mr. Hart's scheme. The success of the *Burlingame Mission* is at stake. Wóa-Jên has as yet offered no opposition. So, in the name of the Chinese Government, the Inspector-General announces “officially” to the Professor, that all his propositions are accepted; that he is relieved of the Chair of Mathematics in the projected College, to which, in anticipation of his wishes, Mr. Hart assures him, another gentleman had *already* been appointed; that his future duties will be confined to the New Observatory; that its Direction is entrusted to him; that it will be furnished with the best modern instruments, a complete library, etc.; and that its intended site, as well as that of the New University, are the park-like grounds of the *Yüen-ming-yüen*. But Mr. Hart judges it expedient to make this announcement to the Professor verbally; and *in thus inducing him to remain in Peking at that particular time*, he does so by the same means, by which he and his Secretary, Mr. Campbell, had induced him to leave England, namely, by the following additional

False pretences: 1stly, to the effect that he (Mr. Hart) had submitted the contents of the Professor's letter of January 28, 1867, to the Chinese Government, for whose knowledge and information it was written; 2ndly, that, in reply to it, he had received the instructions of the Chinese Government; 3rdly, that he had been authorized by the Chinese Government to announce to the Professor its acceptance of every one of the propositions contained in the letter in question,—which formed the conditions of his stay, including the erection of a New Observatory, the purchase of a Library, etc.,—and, on the one hand, his appointment to the Direction of that Observatory, on the other hand, his relief from the future duties of the Chair of Mathematics in the projected University. And again, with the view of securing himself, as far as practicable.

against the legal obligations involved in his action, Mr. Hart made to the Professor the communications, just referred to, *verbally*; and, while he has never dared to deny the well-established facts under consideration, he has not only *not* had the honesty to positively confirm or acknowledge them, but has finally acted *as though they had never taken place*.

60. As we advance to the third stage of our juristic-moral sketch and the end of October, 1867, matters have arrived at a kind of transition-state. W6a-J6n has conquered, and the Inspector-General's still-born scheme for the Regeneration of China has been doomed to oblivion by that "obstinate and rabid old man". The "New Chinese University", however, still survives, though it survives only in the undying "hopes" of its projector, and on the *title-page* of the forthcoming, but as yet unpublished "Elements of Chemistry" of its aspiring "Professor of Hermeneutics, Political Economy, and International Law". For, the Burlingame Mission has been finally decided upon, and its success needs the aid of that "great movement for education", so ably prepared by the "Ambassador elect of Chinese Empire". The Tsung-li Yamen's "Language-School" is being dressed up in the plumes of the defunct University: "THE COLLEGE", without its awkward appendage "of Western Science and Learning", but surmounted with the "ministerial" arms of *S'ü* and the, as yet veiled triadian head of Dr. Martin (3), is about to be "opened" by an *imposing* ceremony. With these brilliant prospects before him, Mr. Hart begins to see the Observatory and its appurtenances in a dimmer light, and the fulfilment of his *engagements* relative to them, he tells the Professor, may be "safely" postponed for some five or eight more years to come. There exists no longer the "original" *hurry* for the Regeneration of China. He still has his own "sympathies" and £600 a year of Chinese money for the Professor: but, really, his (Mr. Hart's) *duties* are now so completely centred in the "T'ung-W6n-Kuan", its requirements, and hopefulness, as well as in the uncertainty of his individual "continued existence" and the "untrammelled freedom" of the "successors, who may come after him", that he can allow no "fanciful" action of his to remind him of such trifles as broken contracts; and, if the Professor *will* persist in talking to him about universities, and observatories, and libraries, and the like "unofficial" matters, that he (Mr. Hart) would quite as soon shut his eyes to the possible "harm, which the Professor's departure from Peking might inflict on the T'ung-W6n-Kuan" (49), and permit him to "go away", especially at a season when ice and snow prevent his doing so; and provided that he depart quietly, and find his way back to Europe

as best he may, without "expecting" any other *compensation* from the Inspector-General, save his generous sympathies and freely bestowed blessings. The letter to this end, which Mr. Hart addressed to the Professor on October 25, 1867, (24) contains a new series of wilful misrepresentations as:

False pretences:—1stly to the effect, that Mr. Hart, despite of the Superintendence of *S'ui*, officially appointed by Imperial Rescript, and the headship by courtesy of Dr. Martin (3), held the lawful position of Superintendent, or Director, or President, of the *T'ung-Wên-Kuan*; 2ndly, that he held the position of a duly appointed and *responsible* adviser of the Chinese Government in its relations with the Professor; and hence 3rdly, that he had been duly authorized by the Chinese Government to decide, in its name, upon all matters having reference to those relations.

Wilful untruths and misrepresentations:—1stly, to the effect, that Mr. Hart, relying on his fraudulent substitution of the existing *T'ung-Wên-Kuan*,—in October, 1867, as yet in its primitive condition—for the projected College of Western Science and Learning in the Professor's letter of appointment, represents him as attached to the Tsung-li Yamên's Language-School. 2ndly, that the Professor's salary had been fixed in London at the rate of £600 a year; 3rdly, that "the haste, originally intended" by Mr. Hart and the Professor in reference to the Observatory, had been to delay it for years and for the completed education of the students; 4thly, that the immediate formation of a Library, having been a *sine quâ non* of the Professor's acceptance of his post, was uncalled for; 5thly, that, in establishing the *T'ung-Wên-Kuan*, it was the object of the Chinese Authorities to give to Chinese a general European education; 6thly, that the *T'ung-Wên-Kuan* was or is a "College", in the sense of a University; 7thly, that the *T'ung-Wên-Kuan* was ever intended by the Chinese Government to be converted into a University; 8thly, that Mr. Hart refused to allow the Professor to bind himself for any term of years when in London, and that he held the Chinese Government equally free.

And once more, all these additional false pretences and wilful untruths and misrepresentations are advanced by Mr. Hart with the view of freeing himself, as far as practicable, of the responsibilities in which his University-scheme, personal to himself and wholly unauthorized by the Chinese Government, had involved him, *at the expense of the Professor*.

61. The fourth stage of our epitome carries us a year further, to the middle of October, 1868. The farce of "the Opening of THE COLLEGE" had been played. Two junior English and French classes of "waggish young

fellows of the age of forty and fifty" had been formed in the old *T'ung-Wên-Kuan* under the new "Professors" of those languages. "No respectable Chinese would matriculate in THE COLLEGE", i.e. the two "additional" junior language-classes of the "Language-School", just referred to. After the lapse of six months, "the Mouldys, the Shadows, and the Feebles" were "examined by the Chinese Authorities",—according to Mr. Hart's logic, the Chinese Government, i.e., the Emperor. They were found wanting. The greater majority of the few "students", who had been bribed to attend by a monthly allowance of pocket-money, were dismissed; and the remaining half dozen, by the time to which our narrative relates, presented themselves on pay-days only. Even "THE COLLEGE" had been "*destroyed in embryo*" (28). But, not so Mr. Hart's "College of Western Science and Learning". Had not Her Majesty's Government, as it were, guaranteed its "continued existence"? Had not the Governments of European States, generally, been bound to support it? Hence, at the very period that we find "THE COLLEGE", i.e. the two "additional" junior classes of the old Language School, in a state of utter prostration, an expiring failure: we find "the College of Western Science and Learning" of Mr. Hart's foundation, i.e. "THE NEW CHINESE UNIVERSITY", in a most healthy and flourishing condition. If the reader would doubt so astounding a "fact", let him re-peruse the title, dedication, and preface of Dr. Martin's "Elements of Natural Philosophy and Chemistry", previously communicated (4); and let him remember that that dedication was accepted by Mr. Hart. He will there find it stated, that the work in question had, in 1868, been "*printed*"—at the expense of the Chinese Maritime Customs' Revenue, and partly in the press of the Customs' establishment at Tientsin, but what of that?—"for", and "under the auspices of the New University",—an "Institution, so full of hope for the future of China", and the completed "organisation" of which was mainly due to the influence of the Inspector-General; for the establishment of which University the young Emperor, emulating the example of his Sainted Ancestor, the distinguished patron of European science *K'ang-S'î*, had "issued a liberal charter",—in the shape of a monthly grant of a few taels of pocket-money to a dozen or so of needy and not over-respectable (28) "students"; and "to compete for the privilege of membership" in which, the Emperor, out of "millions of patient scholars", had "invited", i.e., commanded "the most advanced scholars in the Empire". With the late Mr. Burlingame, we might well "marvel, as we read", such words, though we can hardly "call attention to them with

infinite pleasure". But "THE NEW UNIVERSITY OF CHINA", albeit as a fraud as has ever been practised upon the public, attained without political object of its creation by Mr. Hart. It had not a little aided the success of the Burlingame Mission, at the time here in question, an accomplished fact. The Government of the United States had hitherto acknowledged the Chinese vassalage of the Great American Republic, and recommended to the Christian Powers of Europe to follow its example, formally recognizing the Universal Supremacy of him, whom we "barbarians" are in the habit of calling the Emperor of China, as "the Vicar of Heaven on Earth, and the One Absolute Ruler of Mankind". Under these circumstances and prospects, the "New University of China" might not have needed much longer and could "safely" be allowed, after a while, to relegate into the *T'ung-Wên-Kuan*, with the Professor of Hermeneutics, Dr. Marten for its, as yet secretly but long since, appointed "head" (3). And, because a bolder effort, on the part of the Inspector-General, to free himself of the Professor of Astronomy, Observatory, and Library, all at once. With this view, profiting by a private conversation, which the Professor had with Mr. Hart in June, 1868, and in which he stated his determination to return to Europe, but that he was equally determined to submit their differences to a legal decision to the Supreme Court in Shanghai, unless Mr. Hart either carried out his engagements, or granted the Professor a fair and adequate compensation, or else submitted to arbitration, Mr. Hart, in his letter of October 15, 1868, had recourse to a further series of additional

Wilful untruths and misrepresentations: 1stly to the effect, that the Professor then held, and had admitted he held, an appointment in the *T'ung-Wên-Kuan*, or the Tsung-li Yamên's "Language-School"; 2ndly, that he had made up his mind, and had decided, to withdraw from the appointments of the Chinese Government then actually held by him; 3rdly, that he had asked to be permitted to continue to hold such appointment or appointments until the return of cool weather; 4thly, that he had accepted a retiring allowance or compensation of £600; 5thly, that such a retiring allowance had been issued to him at his own wish; 6thly, that Mr. Hart had proposed, and *face to face had dared* to propose, to him (the Professor) to have him forwarded, on his homeward journey, to either Southampton or Marseilles (comp. 35, 9).

And, as before, all these additional and wilful untruths and misrepresentations are being had recourse to by Mr. Hart, with the view of escaping the pecuniary liabilities, involved in his unauthorised University-scheme.

62. On arriving, after the lapse of another year, at the fifth stage of our summary, and the end of October, 1869, we find that the Burlingame Embassy" has been triumphant also in England, and that the British Possessions, in the eyes at least of "nearly one half of the human race", have, like the United States and France, become the *diplomatically acknowledged* dependencies of the Ching Empire of the World. The "New Chinese University", in effigy, has accomplished its mission. A faint attempt, on Mr. Hart's part to resuscitate "THE COLLEGE," by the rejected magic of his "Eighteen Rules", was followed by its last breath. It died, with unshaken faith, in the arms of the Inspector-General and the *T'ung-Wên-Kuan*—the sole heirs of its countless hopes. The succession of the primitive "Language-School" of the Tsung-li Yamên,—with its new mathematical "department" under a native teacher appended to it, and the American missionary and professor of Hermeneutics, Dr. Martin, substituted for His Excellency *S'ü*, as its head,—to the *honorary* title of the defunct "College", superadded to its proper name of *T'ung-Wên-Kuan* was to be "officially" announced. In short, the *T'ung-Wên-Kuan*, for the services it had rendered, was, in future, by its *foreign* patrons and school-masters to be officially "styled" a COLLEGE, and its head-master, for similar reasons, *President*. These two "styles" were at the same time to commemorate Mr. Hart's late "New University of China", and to serve as supporters to his surviving "sanguineness" as to its *future state*. And such being the position of affairs, the Inspector-General bethought himself of a more effective means, than had proved to be his mere assertion of the Professor of Astronomy "having *made up his mind* to withdraw from his appointment", in order to expedite the Professor *de facto* on his homeward journey "to either Southampton or Marseilles". So, Mr. Hart, unknown to the Professor, addresses to the Tsung-li Yamên a despatch (45), dated the 22nd September, 1869, the leading features of which are these:—

A false and slanderous charge against the Professor,—viz. the charge of having, ever since Mr. Hart's "refusal of his request to construct an Observatory", i.e., since the 25th October, 1867 (24), "steadily declined to do any of the work that was allotted to him", i.e. to perform the duties he had engaged to perform. The peculiarities, which distinguish this charge, are:—1stly, that it had never been preferred, or so much as hinted at, against the Professor himself; 2ndly, that, in Mr. Hart's letter to the Professor of October 15, 1868 (35), not a trace of such a charge appears; 3rdly, that it was, for the first time, made to the Tsung-li Yamên, and made at all,

nearly two full years after time ; and 4thly, that it was simply invented by Mr. Hart, about the date of his letter.

Wilful untruths and misrepresentations :—1stly, to the effect, that the Professor had, on the 11th June 1868,—upwards of fifteen months previously—tendered to Mr. Hart his resignation ; 2ndly, that Mr. Hart had engaged the Professor on behalf of the Tsung-li Yamên ; 3rdly, that Mr. Hart had engaged him as (a Professor, *lit.*) a teacher in the Tsung-li Yamên "Language-School" ; 4thly, that Mr. Hart had *refused his request to construct an Observatory, and purchase a Library.*

Intentional suppressions of the truth :—1stly, to the effect, that Mr. Hart, in the name of the Chinese Government, engaged the Professor for a projected College of Western Science and Learning ; 2ndly, that Mr. Hart fraudulently substituted the existing *T'ung-Wên-Kuan* for that projected University, in his letter of appointment ; 3rdly, that Mr. Hart, in the name of the Chinese Government, had engaged to erect a New Observatory and to purchase a Library, and that he had appointed the Professor to the Direction of the New Observatory ; 4thly, that the Professor had immediately upon Mr. Hart's first intimation, alleging him to have withdrawn from his appointments, protested against that allegation as at variance with fact and truth, more than a year ago ; 5thly, that on the 25th October, 1867, Mr. Hart had "officially" informed the Professor, that, for the next five or eight years to come, he would have no duties to perform.

63. This despatch from Mr. Hart to the Tsung-li Yamên, of which the Professor had been left in ignorance, was,—after the latter had applied for payment of salary, urged a definite solution of pending differences, and proposed fair arbitration,—followed up, on the part of the Inspector-General by his letter to the Professor of October 20, 1869, in which Mr. Hart manifestly relying on the peculiar wording of the letter appointing the Professor (8, s ; 56), the miraculous powers of his Secretary's memory (41, 10), and his own unscrupulosity, prepares to meet the Professor's legal action by what he terms a "narrative of the circumstances, under which the Professor's connection with the *T'ung-Wên-Kuan* began and ended", and which chiefly consists in another series, *in addition to those already adduced*, of intentional suppressions of the truth, wilful untruths and misrepresentations, false charges against the Professor, and

False pretences :—1stly, to the effect, that Mr. Hart was the duly appointed Agent General of the Chinese Government ; 2ndly, that he had been duly authorised by the Tsung-li Yamên to engage a staff of Professors

OF THE COLLEGE, namely, the projected College of Western Science and Learning; 3rdly, that he had been duly authorized by the Chinese Government not only to accept the resignation of, but to dismiss, the Professor of Astronomy from his appointment in the service of the Chinese Government, sanctioned by Imperial Rescript; 4thly, that THE COLLEGE, whether the projected College of Western Science and Learning, or the existing "School of Languages and Literature" of the Tsung-li Yamên be understood by that term, was under the lawful control of the Inspector-General of Imperial Maritime Customs, Mr. Hart.

False charges against the Professor:—1stly, to the effect that he had positively refused to carry a class of Chinese scholar-students,—ready and prepared to attend his lectures in the College of Western Science and Learning in Peking, to the Chair of Mathematics and Astronomy in which he had been originally appointed,—through a course of Mathematics, previously, of course, to his having been relieved of his Mathematical Chair, i.e., previously to the middle of February, 1867; 2ndly, that he had positively refused to perform his duty, in refusing to study Chinese as a matter of duty.

Wilful untruths and misrepresentations:—1stly, to the effect, that, in London, Mr. Hart explained to and repeatedly impressed on the Professor that the *existing* "Language-School" of the Tsung-li Yamên in Peking, known by the Chinese name of *T'ung-Wên-Kuan*, was the "College of Western Science and Learning", *projected* by the Chinese Government with a view to the Regeneration of China, and for which College he engaged the Professor; 2ndly, that, while appointing the Professor to the Chair of Mathematics and Astronomy in that "College" or University, he (Mr. Hart) explained to and repeatedly impressed on him, that his "Chair" was only to be "*styled*" a Chair, but was in reality to be nothing of the kind; 3rdly, that, while in the name of the Chinese Government nominating the Professor to the Chair in question, Mr. Hart explained and repeatedly impressed on him, that his real position was to be that of a school-master, and that he was only to be "*styled*" Professor; 4thly, that Mr. Hart explained and repeatedly impressed on the Professor that he, the Professor-schoolmaster, occupying a Chair-Nochair in the Projected Government University-Existing Yamên Language School, would have to teach the A B C of "the Queen of Sciences", the "one and one make two" of the Higher Calculus, to the lads then in the *Tung-Wên-Kuan*, and others; 5thly, that Mr. Hart explained and repeatedly impressed on the Professor, that his duties, as a schoolmaster, would be of the driest, dullest, and most laborious kind,

that they would demand great attention and exercise all his patience; 2dly, that the beginning would be small, the work arduous, disagreeable and discouraging, and that yet all the drudgery would have to be performed by the Professor himself; 3dly, that Mr. Hart explained and repeatedly impressed on the Professor, that such duties would occupy him at least six hours daily; 4thly, that the Professor,—"a man of genius and original research, who had battled bravely against the world in the cause of Science, and was willing, as he had starved for Science before, if need be, to starve for Science again,"—responded to those explanations of the Inspector-General of Chinese Maritime Customs in almost enthusiastic language, and professed his anxiety to do anything and to put up with everything; 5thly, that Mr. Hart explained to the Professor, while urging him to proceed post-haste to Peking, that it might be impossible for a long time to come to find the right kind of students, that there might be opposition to "the (projected) College", i.e. according to Mr. Hart, the (existing) *T'ung-Wên-Kuan*, and that it might even prove a failure; 6thly, that Mr. Hart explained to the Professor, that the erection of an Observatory, and the purchase of a Library would depend on the success of "the College", i.e. according to him, the Yamên's Language-School; 7thly, that Mr. Hart explained to the Professor, that he might have to put up in Peking with Customs-students' quarters; 8thly, that the Professor accepted the position, and undertook to perform the duties, of a school-master in the Yamên's Language-School; 9thly, that the Professor undertook to acquire a competent knowledge of the Chinese language, and to translate works from Chinese into English and *vice versa*; 10thly, that the Professor undertook to teach nothing but Science generally accepted, notably, the Newtonian system of Astronomy; 11thly, that the Professor undertook to serve the Chinese Government at the fixed annual salary of £600, to increase after five years to £800, and after another five years to £1000; 12thly, that Mr. Hart agreed upon such a salary with the Professor in London; 13thly, that, subsequently in China, the Professor told Mr. Hart, that a low salary was a degradation to a man of eminent learning, and that, in Germany, Professors had salaries from £3000 to £4000 a year; 14thly, that the Professor professed friendship for Mr. Hart; 15thly, that Mr. Hart offered to the Professor the alternative of teaching Mathematics or "going away", and that the latter accepted the alternative; 16thly, that Mr. Hart had a personal interview with the Professor before he had received the Professor's letter of the 3rd August 1866, requesting a first interview; 17thly, that the Tsung-li Yamên, in its second Memorial

expressed itself in favor of the projected College of Western Science and Learning, *i.e.*, the New University of China; etc., etc.

Intentional suppressions of the truth:—1stly, to the effect, that a letter, of which Mr. Hart gives an abstract to serve as a proof for his statements, was addressed by him, not to the Professor of English whom he engaged in England, but to the successor of that gentleman, long afterwards and under very different circumstances engaged by him in China; 2ndly, that a residence had been newly built by Mr. Hart and completed even for the latter Professor, long before one was offered to the Professor of Astronomy; 3rdly, that the house, at last assigned to him, had been designedly rendered uninhabitable by the professing Agent of the Chinese Government; etc., etc., besides repetitions of those more important cases of facts suppressed, which have been already stated (comp. also 41, 8, 9, 10).

64. We now approach the sixth and last stage of our historico-moral sketch of the Inspector-General's conduct relative to "the New University of China", which closes with his positive refusal, on January 6, 1870, to pay to the Professor of Astronomy a certain sum of money, by Mr. Hart himself acknowledged to be due to the Professor by the Chinese Government, out of funds by the Chinese Government placed in his (Mr. Hart's) hands for the purpose, and with instructions of payment. After a vain attempt, on the part of the Inspector-General and the newly-appointed "President" of the old *T'ung-Wên-Kuan*, into which "the College" has now "officially" relapsed, to induce the Professor of Astronomy at, and Director of, the projected New Observatory to exchange his position under the Chinese Government for that of a school-master in the Language-School under the Tsung-li Yamên and Dr. Martin; and after another vain attempt, on the part of the Professor, to induce Mr. Hart to submit their differences to fair arbitration: the former proceeds to Shanghai for the purpose of taking legal measures against the latter; and the latter addresses, on November 28, a despatch to the Tsung-li Yamên, characterized by the following *additional*

False charge against the Professor:—to the effect that, in leaving Peking, and "without permission", he had exposed the interests of the *T'ung-Wên-Kuan* to harm;

Wilful misrepresentations and intentional suppressions of the truth:—as already specified (49); and, on the ground of these and former charges, falsely brought by Mr. Hart against the Professor, the

Suggestion for his dismissal by the Tsung-li Yamên,—a suggestion which, so far as the Yamên is concerned, was carried into effect by its

despatch to Mr. Hart of November 29, 1869 (49), and the letter from the Inspector-General to the Professor of November 30, 1869 (51). And, the same as before, Mr. Hart renders himself guilty of all this mass intentional suppression of the truth, wilful untruth and misrepresentation, false accusation, slander, and malice with the view of freeing himself of responsibilities, incurred by his own unscrupulous levity and ambition ; of defeating the ends of justice ; and of wronging a man of science, who had trusted to his honor, and relied on his assurances of friendship and goodwill (18.19).

65. This leaves us only to record the course of the legal proceedings taken by the Professor against the professing "Agent of the Chinese Government", before H. B. M. Supreme Court of Justice for China in Japan at Shanghai ; Sir Edmund G. Hornby, Chief Judge, Chas. W. Goodrich Esq., Assistant Judge. We can no better indicate the high esteem in which the Chief Judge was and is held, than by transcribing the address, signed by almost every foreign resident in Shanghai, which was presented to him on his departure in August, 1870. It reads thus :—

We, the undersigned members of the Foreign Community of Shanghai, in view of your approaching departure from the Settlement, avail ourselves of this opportunity to give expression to the feelings of esteem and respect with which you have inspired us, during your five years tenure of office here.

The establishment of H. B. M.'s Supreme Court was in itself a matter of considerable importance to British residents, and in some measure to other Foreigners as well. In order, however, that the full advantages expected from the institution might be obtained, it was essential that the first Chief Judge appointed should not only be a good and sound lawyer, but, still more, a man whose mature experience, power of organization, courteous demeanour and general ability, would render the Court not only a respectable channel for legal proceedings, but also a tribunal for reconciling differences, smoothing over difficulties, and promoting harmony. These requirements, you have satisfied in an eminent degree. You have organized an efficient Court, you have checked litigation, promoted good feeling, encouraged the ready settlement of difficulties, and in those cases where resort has been had to the final arbitrament of the law, you have pronounced decisions with which few people (if any) have had cause to be dissatisfied.

The Community is also deeply indebted to you, for your valuable aid in the difficult task of forming a new Code of Regulations for the Municipal Government of this Settlement ; for your ever ready assistance in promoting all matters of public interest ; and for the kindly and liberal spirit in which you have met all the calls, for counsel and advice, which have been so frequently made upon you.

In your private capacity also you have, by your genial character and the active interest you have always displayed in the social pursuits of the Community, deservedly gained the regard and goodwill of your fellow-residents.

In parting from you, we feel that we are losing not only an able Judge, but a valued friend and counsellor ; and we trust that, after the temporary and well-earned repose from your labours which you desire, you will return to the post you have so ably filled. Should you not do so, we hope that H. M. Government may find for you another sphere of action which, while giving greater scope for the exercise of your talents and abilities, may prove congenial and pleasant to yourself.

Mr. Goodwin, previously to his appointment to Shanghai, was a Member of the London Bar, and gained notice by his well-known paper on the Mosaic Cosmogony in "Essays and Reviews". The Professor, as plaintiff, was represented by a countryman of Mr. Hart's, R. T. Rennie Esq., Barrister-at-Law and Counsel to H. B. M. Government, a gentleman of high standing and repute as a lawyer, and of extensive practice as a Solicitor; the Inspector-General by Nicholas J. Hannen Esq., Barrister-at-Law, and Solicitor to the Chinese Maritime Customs, recently appointed H. M. Acting Assistant Judge for Japan. At one stage of the proceedings, Mr. Rennie's place was taken by R. W. M. Bird Esq., Barrister-at-Law, a gentleman who, though still in the early prime of life, has already achieved a prominent position, and, distinguished by all those qualities of head and heart, which lead to the highest eminence in the profession, would be an ornament to any Bar. As far as wealth and influence went, Mr. Hart commanded every advantage which their possession by an unscrupulous man can give, while the Professor laboured under all the disadvantages inseparable from poverty. To show, how well Mr. Hart and his counsel knew, and were prepared to profit by, those disadvantages, and what was the spirit in which they meant to conduct the defence, we will here transcribe Mr. Hannen's motion at the first commencement of proceedings, followed by Mr. Hart's affidavit in support of it:—

Shanghai, 25th February, 1870.

The defendant by his counsel moves that the plaintiff be ordered to file in Court a statement of a fit place within the jurisdiction, where notice or process may be served on him, and that he may be ordered to give security for costs and fees by deposit or by bond in the penal sum of 500 dollars and such further and better security for costs and fees as the Court may think fit and that the Court direct proceedings to be stayed in the meanwhile.

(Signed) NICHOLAS C. HANNEN,
Counsel for Deft.

The said Robert Hart the defendant in the said action make oath and say.

That I am informed and verily believe that the plaintiff in this suit is a (Prussian) subject of one of the states belonging to the North German Confederation.

That even if the plaintiff in this suit be by any means amenable to the process of this Court, he is only a temporary resident within its jurisdiction.

That I am advised and verily believe that I have a good defence in Law, equity and fact to the various matters in the plaintiff's petition set out.

Sworn at Shanghai,
this 25th day of February, 1870,
Before me

(Signed) G. Jamieson,
Acting Law Secy.

If the reader will refer to the concluding correspondence between the Professor and the Inspector-General (52), the object of the preceding motion will be readily understood. As to Mr. Hart's affidavit, it is somewhat

difficult to say, what a person may *not* "verily believe". There are people who "verily believe", that the Moon is made of green cheese; and it is just possible that, among their number, some eccentric individual might be found to make oath and swear to his "belief". But such an individual would, certainly, have no more *reason* for doing so, than Mr. Hart had for "verily believing" that the Professor is "a (Prussian) subject of one of the states belonging to the North-German Confederation". Mr. Hart had, on a previous occasion, been distinctly and positively informed by the Professor himself, that he is a naturalized British subject; and the Inspector-General might have assured himself of the fact and every particular relative thereto at the Registration Office of H. M. Consulate. How he could have "verily believed", and made oath that he verily believed, to have "a good defence *in equity and fact* to the various matters in the plaintiff's petition set out" we must, referring him both to the preceding narrative and to the sequel, leave to the reader to explain to himself. In the "ENCYCLOPÆDIA BRITANNICA", Art. "*Oath*", we read: "An oath in evidence binds the juror to declare what he knows to be true, and *nothing but what he knows to be true*". An oath required to assure the public of our belief in the truth of any proposition cannot, *without the guilt of perjury*, be taken by any man, who at the time of swearing, *has the slightest doubt in his mind whether the proposition be really true*".

66. The preliminary trial took place on March 22, 1870, before Sir Edmund Hornby, Chief Judge, and Chas. W. Goodwin Esq., Assistant Judge, on a demurrer to certain paragraphs of Defendant's answer to Plaintiff's petition. Of these the four principal paragraphs were:—

21. And for a further answer to so much of the petition as is contained in the first five paragraphs of the said petition, the defendant says—That previous to and at the time of the said representations (*i.e.* the representations made in England) the defendant was and represented himself to the plaintiff as being a servant of the Chinese Imperial Government, and that the said representations were made in that capacity and in no other, and the said Imperial Government have never disavowed the acts of the defendant nor denied the accuracy or truth of any representations made by him.

22. And for an answer to so much of the said petition as is contained in paragraphs 7, 8 and 9, defendant says that, previous and at the time of the said representations complained of (*i.e.* the representations made in Peking) plaintiff and defendant were both in the employ of the Chinese Government, and it was the defendant's duty in pursuance of such employment to report to the Tung-Yamén upon the conduct, representations and movements of the professors attached to the T'ung-Wén-Kuan and upon those of the plaintiff amongst others—and the defendant in the ordinary course and in the lawful exercise of his duty, and not otherwise, made certain reports of and concerning the conduct, movements and representations of the plaintiff which are the wilful and false representations complained of.

23. And for a further answer to so much of the said petition as is contained in the 10th paragraph (The 10th paragraph had alleged that defendant had been entrusted by the Chinese Government with a sum of £700 for the pay of plaintiff which sum he had not paid over) the defendant says that any sum or sums of money entrusted to him for the purpose mentioned, were and are entrusted to him in his capacity of servant to the said Chinese Government to be disposed of by him according to his discretion and not otherwise.

24. And for a further answer to the whole of the said petition, the defendant says that so far as it relates to any representations made and acts done having reference to the said T'ung-Wên-Kuan, he was, previous to and both he and the plaintiff were during the whole of the time in the said petition referred to, in the employment of the Chinese Government; and in such employment it became and is the defendant's duty to superintend all the affairs connected with the T'ung-Wên-Kuan and the foreigners connected therewith, and to make such representations, write such letters, do such acts and pay such sums of money as to the said defendant in his discretion should seem fit in the premises, and that any and every of the representations made, letters written, acts done or sums of money held by the defendant or withheld from the plaintiff by the defendant or by the defendant's order as alleged in the said petition were so made, written, done, held or withheld respectively by the defendant in the exercise of his lawful authority in pursuance of such employment and in the exercise of his said duty as a servant of the said Imp. China Government, and in pursuance of no other object and in virtue of his said position and in virtue of no other.

We omit the minor paragraphs, as their purport will appear from the judgment of the Court.

67. The general principle, intended to be established by the preceding portion of Defendant's answer was, *that Mr. Hart, as the Agent of the Chinese Government, was not amenable to the Supreme Court of Shanghai, and the Laws of England*; whilst yet, appearing, as he did, of his own free will and without any demurrer to its jurisdiction, before that Court, he sought from the very judicial Authority, to which he pleaded *not* to be subject, a *legal* decision to that effect. In other words, Mr. Hart submitted to the Court through his Counsel:—"I verily believe, on my oath, that the Plaintiff is not a British subject; but, be the fact what it may: *the Chinese Imperial Government (i.e. the Emperor of China) being represented in my (Mr. Hart's) person*, you have no right to meddle with my doings whatever they may have been;—and this is, what I wish the Court to formally acknowledge". It was a bold expectation on the Defendant's part that, immediately after his peculiar affidavit, the Court should receive his simple statement, to the effect that the Chinese Imperial Government, *i.e.* the Emperor, was represented in his person, and that the Great Exalted Monarch of the World had never disavowed the acts of his "barbarian" servant, *nor denied the accuracy or truth of any representations made by him*, for Gospel. We doubt, that the Emperor, personally, has ever heard of the very existence of his foreign Inspector-General of Customs; and we know that the Imperial Government

has never so much as considered "representations made by him". He is neither been within a couple of miles of the Seat of the Imperial Government at any time; nor has he at any time been privileged to communicate with the Imperial Government in writing. He is the servant of the Tsung-li Yamén (41, 2),—nothing more; and to the Tsung-li Yamén alone his representations are and were made. Suppose H. B. M. Government were to charge a Royal Commission with the temporary management of certain matters relative to China, and such a Commission were to appoint and employ a Chinaman in the capacity of a revenue-collector, or a sub-collector,—for, the principle involved is the same,—would that Chinese revenue collector or clerk be entitled to style himself "a servant", *aye*, and a servant in the sense of a responsible Agent General, "of H. B. M. Government"? The proposition is simply preposterous. It was one of the *misrepresentations and false pretences*, made use of by Mr. Hart in England towards the Plaintiff, to state that he (Mr. Hart) was a servant of the Chinese Imperial Government, *duly authorized by that Government*—which he was not—to engage a staff of Professors for the projected College of Western Science and Learning in Peking. And hence, too, the extraordinary plea, more preposterous than his proposition itself, founded upon it by the Defendant's Counsel. For, instead of arguing *the truth* of Mr. Hart's alleged position and his representations to the Plaintiff, Mr. Hannay tacitly admits, by assuming, *the untruth of the latter*, and then contends that, "the Chinese Government having never disavowed the Defendant's acts, Plaintiff ought to go against them (the Chinese Government) first": endeavouring to falsely represent the action, which was one for wilful misrepresentations and slander, as "simply an action for breach of warranty". Suppose our Chinese clerk to have been on a visit to his native country, and, representing himself to be a servant i.e. an agent of Her B. Majesty's Government, to have induced by wilful misrepresentations some Chinese scholar to proceed to England; and supposing further that, by international treaty, China enjoyed in England the right of extraterritoriality, and a Supreme Court of Justice for Chinese subjects to exist in London: then, Mr. Hannay argues, the Chinese scholar has no right to bring his fellow-countryman, the Chinese clerk in the service of an English Royal Commission, before the

¹ We have adduced documentary proof (10) that Mr. Hart had no such authority, not even from the Tsung-li Yamén; and he himself admitted at the commencement of his examination, that he had only *verbal* instructions from "the Foreign Board", which itself possessed no authority to that effect (41, 2; 53, 3, 4), "to engage certain professors",—quite a different thing from "founding a new College of Western Science

Chinese Supreme Court, established in London for the express purpose of legally deciding any differences arising in England between Chinese subjects, because, forsooth, on the one hand the Chinese clerk *pretended* to be "a servant of the English Royal Government", and, on the other hand, because the Chinese scholar had not first written from China to Her Majesty's Government to enquire whether it did or did not "repudiate and refuse to be bound by the representations of the Chinese clerk of the supposed Royal Commission"; and he further argues that, Her Majesty's Government having "never disavowed the acts of the Chinese clerk", the Chinese scholar "ought to go against Her Majesty's Government first". Really, that arguments of so puerile and silly a tendency should in all seriousness have been brought forward, in an English Court of Justice, by an English Barrister-at-Law, surpasses almost belief; and shows, if anything, to what straights Mr. Hart's Counsel must have been reduced for a defence, or else, how utterly defective he is in reason, common sense, and legal knowledge; if not both.

68. Next Mr. Hannen would establish these two principles, *viz.* that, of any two foreigners, who happen to be in the employ of the Chinese Government, *it becomes*, in pursuance of such employment, *the duty of the one to act as a spy, and to report to the Tsung-li Yamén upon the conduct, of the other*; and, *however slanderous and untrue such reports may be*, that they may be thus made "in the ordinary course, and in the *lawful* exercise, of that duty". Let us trust, for the sake of justice and morality in Japan, that the present Acting Assistant-Judge of H. B. M. Court in that country, may have changed his principles, and his strange, his passing strange, views upon these points. We cannot help quoting a part of the proceedings, relative thereto, as reported in "the Shanghai Evening Courier" for March 23, 1870, which paper has given the by far most circumstantial and generally accurate account of the whole case:—

MR. HANNEN.—If I prove that defendant had the alleged authority to found the Peking College at the time of his communications with plaintiff in England, ¹ he will certainly not be liable for any damage resulting to plaintiff in consequence of the Chinese Government changing its mind. Plaintiff must have known that his contract with defendant could have no force till it was ratified by the principals of the latter.²

COURT.—This is not an action of contract but of misrepresentation.

and Learning". Nay, he wrote to the Professor, in October, 1869, that the Yamén's second Memorial (11) "went beyond his most sanguine hopes" (p. 182 and Note 6).

² What plea for a Counsel, learned in Law, to use: "Plaintiff *must* have known!" Mr. Hannen, one would suppose, could hardly have read Mr. Hart's letter of appointment (8, 3).

Mr. HANNEN.—But after plaintiff accepted his position at Peking, the case becomes a question between two servants of the Chinese Government, which this Court can have no jurisdiction, even though the one alleges that the other (a British subject) has done him a wrong.

Court.—Let us suppose the case of two British subjects in the employ of the Chinese Government; one of whom makes wilfully false and slanderous representations of the other to the Chinese Government, in consequence of which the latter is kicked out of a lucrative situation, this Court if applied to would certainly interfere in such a case.

Mr. HANNEN.—Such a decision, My Lord, would never be upheld in English Courts.

Court.—Let us, Mr. Hannen, suppose an extreme, a most improbable but not impossible case. Suppose two Commissioners of Customs, British subjects of equal standing in the Chinese service; and that one of these made libelous statements against the other to their common chief, in consequence of which the slandered party was dismissed the service. Do you mean to say that the aggrieved party lost all right of bringing an action against the wrong-doer in this Court, because they were both servants of the Chinese Government?

Mr. HANNEN.—The defendant in that case would have to prove that what he did, he did in the execution of his duty.

Court.—But we supposed that the defendant had made *false and slanderous* statements. Is it possible for a man to make such statements as a part of his duty?

Mr. HANNEN.—Yes, My Lord, that is quite conceivable.

Court.—Then the injured party has no remedy?

Mr. HANNEN.—Oh yes; they are Chinese employés; let them repair to the Yamén to have their dispute settled.—Surely this Court would never *selfishly* interfere in disputes between Chinese servants without regard to the Chinese Government. Such a course would be inconsistent with its dignity and very detrimental to all sound policy.¹

Court.—We disregard that altogether. We know nothing about the Chinese Imperial Government in this Court... Suppose it were a Chinese case to flog learned professors, and that Mr. Hart as a *part of his duty* were to order out some professors to be flogged. Would these gentlemen have no remedy against him in this Court?

Mr. HANNEN.—Well, if he could show that it was his duty, and that he did it in the execution of his duty he would be justified.

Court.—The consequence would be very grave if this Court were to hold that such conduct could be justified *under colour* of duty of the Chinese Government... Then what you mean to say to this Court is: You have no right to enquire whether the representations made by defendant in respect to plaintiff were true or false, inasmuch as both the parties were in the employment of the Chinese Government. Or if you do not go so far, you leave it open to us to enquire whether the representations made by him were within the line of his

¹ Let us imagine our Chinese clerk of the supposed Royal Commission and our Chinese scholar, assumed to have been appointed by the former, in China, to the Chair of Chinese Language and Literature in a new University in London, to be founded by Her Majesty's Government, which knew as little of such a projected University as it did of the Chinese clerk of its Royal Commission, before the Chinese Supreme Court, assumed to have been established in the British Metropolis for the express purpose of legally deciding any disputes arising between Chinese subjects in England; and let us further imagine, before that Chinese Court, the learned Chinese Counsel of the Chinese clerk to get up, and tell the Court:—Surely, this Chinese Court would never *selfishly* interfere in disputes of Chinese servants of the English without regard to the English Government. Such a course would,—who could doubt it?—be inconsistent

duty as a servant of the Chinese Government. This you will observe would still give us a kind of jurisdiction in such cases. But how far would you allow us to go? Where do you think we would begin to go beyond our jurisdiction?

MR. HANNEN.—Whenever you began to enquire into the *manner* in which he performed his duty. That belongs to the Tsung-li Yamén.

COURT.—But you would have to prove that the Tsung-li Yamén and the Chinese Government are identical. And in respect of your allegation that *both* parties in this case were servants of the Chinese Government, and that their dispute can be settled only in the Yamén, does it necessarily follow that because a man enters the service of a foreign Government, he becomes amenable to its legal tribunals?

MR. HANNEN.—I am sure that a British Court will, for its own sake, refuse to interfere in such disputes as at present. To do otherwise would be contrary to all public policy, and cannot but be mischievous to all concerned. If I am wrong, then Mr. Hart may be sued every time he refuses to increase a tide-waiter's salary.

The concluding remark of the Defendant's Counsel, though equally destitute of logic and sense, indicates the true motive of his extraordinary defence: Mr. Hart, he would seem to argue, has, by "the *manner* in which he has performed his duty" in the service of the Tsung-li Yamén as Inspector-General of Customs, rendered himself liable to so many actions at law, that, unless "the Court refuse to interfere in such disputes" and *suspend law and justice in his client's favor*, the latter might be ruined.

69. Nor is it merely to slandering and flogging, that Mr. Hannen would extend the privilege of Mr. Hart as "a servant of the Chinese Government". Logically speaking, such a privilege might thus be claimed by every servant of that Government; but, logic not being the *forte* of the learned Counsel, he restricts the application of his demand for general irresponsibility to the Inspector-General, whose "discretion" he places both above the Law of England and the Will of the Emperor of China. It is well known, that a large sum, a *very* large sum of Chinese public money is by the Tsung-li Yamén for various purposes and annually entrusted to Mr. Hart. Now, what more convenient principle in law could Mr. Hannen have invented for the personal benefit of his client, than the principle that

sistent with *the dignity of the Court*, and very detrimental to all *sound policy* on its part. Are not both our countrymen, the Chinese clerk and the Chinese scholar, *employés* of the English? Let them, then, lest it be said that the injured party have no remedy, repair to the British Foreign Office to have their dispute settled. It will be quite consistent with the dignity of H. B. M. Secretary of Foreign Affairs to attend to these little squabbles of Chinamen, who, at the hands of the Earl of Granville, are sure to obtain justice, without any detriment to the public policy of this Court.—Would not the legal profession, the same as every rational person, in hearing such an argument produced, be disposed to infer from it, that the learned Chinese Counsel must have gone crazy? We would recommend to Mr. Hannen to place himself for one moment in the position of the latter in England.

such sums of money "are entrusted to him (Mr. Hart) in his capacity as servant, to be disposed of by him according to his own discretion and otherwise"? But, suppose the same principle were applied to the Director of the Bank of England, or the Controller of the Army or Navy Pay, or an English barrister were, in an English Court of Justice, to claim for the officials in question, in their capacity as servants, the lawful privilege to dispose of the public money, entrusted to them for the purpose of paying the interest on the national debt, or salaries due by the British Government according to their individual discretion and not otherwise: what opinion, we ask, would be formed of the state of mind of such a barrister? and would he be considered a fit and proper person to take his seat, as a Judge, on the English Bench? The further "privilege", claimed for Mr. Hart by his learned Counsel, appears to us to almost amount to a privilege of appropriating public money, due by the Chinese Government to its employes, for his own, as well as any other, use suggested by his own "discretion". Lastly Mr. Hannen argues that, as a servant of the Chinese, it became the natural duty of the Inspector-General of Imperial Maritime Customs, whose duty it was to reside and perform the duties of his office at Shanghai, to superintend at Peking not only the Tsung-li Yamén's "Language-School", placed by Imperial Rescript under the superintendence of His Excellency S'ui, but "all the affairs connected with the T'ung-Wên-Kuan and the foreigners connected therewith, and to make such representations, write such letters, and do such acts, as to his discretion should seem fit in the premises". In other words, Mr. Hannen claimed for his client, besides the privilege of inflicting punishment at discretion, slandering at discretion, and appropriating money at discretion, the additional privilege of acting the spy at discretion. Of the glaring absurdity and folly, as well as the utter immorality of such pleas we need say no more: the only point, to which we would call attention is, that since Mr. Hart's Counsel must necessarily be supposed to have had reasons for, and an object in, advancing those pleas, it must be of necessity also inferred from them that the offences, for which immunity is claimed, were, by Mr. Hannen's own implied admission, somehow or other involved in "the manner in which" Mr. Hart had acted towards the Professor.

¹ We have already stated, page 571, above, that in his despatch, dated Peking, November 23, 1863, to the American Secretary of State, the Hon. Mr. Burlingame, then United States Minister, writes thus:—"At another interview at the United States legation, Sir Frederick Bruce, the British Minister, heard, as I have done before, their—the Chinese Government's—complaints against Mr. Lay, and of their determination to dismiss him...After what had happened, we—Sir Frederick Bruce

70. The Chief Judge, Sir Edmund Hornby, delivered judgment in a preceding case on March 29, 1870, as follows :—

We are of opinion that No. 13 must be struck out as there is no assertion in the petition that the T'ung-Wên Kuan had no existence.

No. 15 ought to be amended, if it is intended to deny in it all the consequences that follow from paragraphs 7 and 8 as stated in paragraph 9.

No. 17 must either be struck out or amended inasmuch as it does not appear that Defendant paid the sums.

No. 18 is bad, if meant as a plea of tender.

No. 21 must be struck out as it is quite immaterial whether the Government saved the representations of plaintiff.

Nos. 22, 23, 24 must be struck out as not furnishing an answer in law. The plea alleges that it was Plaintiff's duty (both Plaintiff and Defendant being servants of the Chinese Government), to report on the conduct, representations and movements of Plaintiff and others. It is not in respect of any report made either bona fide or maliciously of the conduct of Plaintiff that he complains, but of false statements and representations. It may be assumed that no action lies against a man even for maliciously doing his duty, so long as he does his duty, that a false representation is no act of duty, and therefore is not protected. Moreover, we do not see that the case of *Dawkins v. Paulett* under which the plea is avowedly framed is an authority for the validity in point of law. In that case the relation of the superior and inferior was stated and established, no false representation was charged; but simply that the Defendant made representations which it was within the sphere of his duty to make, maliciously and not bona fide. The act of duty, whether maliciously done or not, arose out of the Articles of War, and was in accordance with the acknowledged discipline of the Army, and the relation in which the parties stood to one another, and not imply out of the relation in which one stood alone to the Government. Moreover both plaintiff and defendant in that case, by entering the military service, agreed to be bound by the Articles of War in all matters arising out of the service in which they both were. The Articles of War are part of the law of England, it was a mere question of tribunal which had the jurisdiction, military or civil.

In this case the representation made, if false (and for the purpose of considering the value of the plea we must assume it was false) was not within the duty of Defendant because it was false. The relation in which Plaintiff stood to Defendant was not necessarily that of superior and inferior, nay it is quite consistent with the plea that the Defendant was a spy of the Government on behalf of Plaintiff, and there is besides no pretension that two British subjects entering the Chinese service agree to be bound by Chinese laws or tribunal appealed to as existing for the trial of such cases. To refer a quarrel between two British subjects to the Chinese would, in the case of Mr. Hart (if one of the litigants), be to refer it to him.

The Order in Council expressly gives jurisdiction to this Court in all cases between British subjects (and these parties are British subjects). To say that this plea is a good answer in law would be to say that anything Mr. Hart might say or do against another British subject who happened to be in the service of the Chinese Government, however false or malicious, he might do with impunity.

and the Hon. Mr. Burlingame—feel it to be our duty to urge upon the expediency of not permitting the inspector of customs, or any other foreign employé, whose business was on the coast, to reside at Peking in a quasi diplomatic capacity. In this view they most heartily concurred, and immediately appointed Robert Hart, esq., in the place of Mr. Lay, with instructions to reside at Shanghai." (Papers relating to Foreign Affairs, Washington, Government Printing Office, Part iii, 1865, 8vo., pp. 348, 349.)

For all acts done within the sphere of duty, persons in Mr. Hart's position protected; but they are not protected from the consequence of false statements or misrepresentations, because it can never be an act of duty to make false statements and misrepresent facts.

For these reasons, the application to strike out, must be granted with cost. Against this judgment the following motion for leave to appeal to Her Majesty in Council was entered:—

Shanghai, the 5th day of April 1870

The Defendant by his Counsel moves for leave to appeal to Her Majesty in Council against the order and decision of the Supreme Court upon the demurrer to the Defendant's pleas in the above cause delivered the 29th day of March last
(Sign.) NICHOLAS J. HANNAY,
Counsel for Deft

No order, however, upon this motion was applied for; it being, as well might be, deliberately abandoned at the time.

71. The chief trial occupied two days, and took place on April 13—14, 1870, before C. W. Goodwin Esq., Assistant Judge, and a Jury, consisting of Messrs. John Crawford, W. H. Devine, A. Ilbert, J. H. Scott, and C. George; one of the gentlemen on the roll of Jurors having been challenged by Defendant's Counsel. The action, essentially one for slander and misrepresentation, had three distinct counts:—1stly, that Defendant had induced Plaintiff by false pretences and wilful misrepresentations to come out of China; 2ndly, that, having been thus induced to enter the Chinese service Plaintiff was, in consequence of false and slanderous statements made to the Tsung-li Yamén by Defendant, dismissed by the Tsung-li Yamén; 3rdly, that Defendant was indebted to Plaintiff in a sum of upwards of £700 deposited by the Chinese Government into Defendant's hands for the use of Plaintiff, and by the former wrongfully detained. Damages on the two first counts were laid at £3000; it being understood, that this sum was to be independent of any claim which the Professor might, through the British Legation in Peking or otherwise, have to prefer, or prefer, against the Chinese Government. Meanwhile it had been in contemplation by the Plaintiff, for the purpose of having certain evidence taken at Peking to cause a legal Commission to be sent to the Northern Capital,—a step which Mr. Hart desired by all means to avoid. He, therefore, moved the Court through his Counsel, that cause be shown by Plaintiff, why an early day should not be fixed for the trial, and, in support of this motion, made the following affidavit:—

Shanghai, the 6th day of April 1870.

I Robert Hart defendant in the above cause make oath and say:—

1. That I arrived at Shanghai on the 9th day of December last.
2. That I am informed and verily believe that the plaintiff arrived in

Shanghai on or about the 12th day of December, and was aware of my being then in Shanghai.

3. That the petition in the above cause was filed on the 22nd day of February, the answer on the 2nd day of March, and final judgment on demurrer to certain pleas in the said answer delivered on the 29th day of March last.

4. That I am detained in Shanghai solely by reason of the above cause and have important business which requires my personal presence in Foochow and other southern ports.

5. That I propose returning to Shanghai on or about the 21st day of June next.

6. That I am advised and verily believe that my evidence is material and indispensable to the due determination of the said cause.

7. That I am advised and verily believe, that it would be unsafe to go to trial in the above cause during my absence from Shanghai.

(Sign.) ROBERT HART.

Sworn at Shanghai, this 6th day of

April of 1870, before me

(Sign.) G. JAMIESON,

Actg. Law Secy., Sup. Court.

This affidavit conveys the impression, as though the legal proceedings had been unduly delayed on Plaintiff's part. Such, however, was by no means the case. If Mr. Hart had referred to the Professor's letter to him, dated Shanghai December 11, 1869, and their further correspondence up to January 6, 1870 (51, 52), he would have *known* that the Professor did *not* arrive on "the 12th day of December", as he knew that the Supreme Court was at that time holding its winter-recess from the middle of December to the middle of January. But what ground he had to "verily believe" that the Professor was aware of "his (Mr. Hart) being then in Shanghai", we are at a loss to conjecture. Previously to the 13th April, there were only three particular days, on which the Professor could have "verily believed" Mr. Hart to be in Shanghai, because on those days he happened to meet or see the Inspector-General, and because the latter, so far from being detained in Shanghai, was said to flit about from port to port in his own somewhat mysterious way. There was even some little difficulty and delay experienced in having the usual writ served upon him. It is a curious coincidence, that Mr. Hart proposed to return to Shanghai on (or about) the 21st June, 1870, —the day of the Tientsin Massacre. The final agreement, come to, was that the Commission to Peking should be suspended and the trial take place, Plaintiff's Counsel having engaged to admit, and to produce, in evidence certain documents. The latter included a copy of Mr. Hart's despatch to the Tsung-li Yamen of November 28, 1869 (49), which, however, despite of this positive agreement, was *not* produced by Mr. Hannen.

72. Having placed before the reader the whole of the documentary evidence relating to this case, there is no occasion for us to enter into all

the details of the verbal proceedings at the trial. So great and positive, however, is the conflict of that evidence, given on oath, as to render impossible to avoid the conclusion that either the Professor, on the one hand, or the Inspector-General and his Secretary, on the other, *must have committed perjury*. The Professor fully and unrestrictedly accepts this position. Before weighing, therefore, the respective credibility of these statements, it will be necessary to weigh that of the deponents on general considerations. The first of these considerations is: Has, or has not, the testimony of Mr. Hart's Secretary, Mr. Campbell, whom his Chief produced as a witness, to be looked upon as independent? We have no wish here to allude to the exceptional relations existing between the Inspector-General and his *employé*; nor to the probability that, had the latter deposed against the former, he might have been instantly dismissed; nor to the sanguine and ambitious hopes, which he connected and connects with his career in the Customs service, and which rendered him in every way subservient to Mr. Hart's interests. But we must recall to the reader's memory the extraordinary powers of recollection, which Mr. Hart, when addressing his letter of October 20, 1869, to the Professor and preparing to meet the legal action of the latter (38—40), so confidently expected from his Secretary (41, &c.), the strong reasons, already adduced, which lead to the inference that the Defendant and his Witness acted in concert (57); and the whole conduct of Mr. Campbell, provocative of the Professor's reproach, that "he had betrayed an old friend in order to serve a new master" (51). In addition to this we shall furnish several positive proofs of collusion, as well as of the mean, and to the Professor hostile spirit, in which Mr. Campbell's evidence was given. The Plaintiff's Counsel, therefore, who throughout the proceedings indulged in no observation, which he might and could not have made in his private capacity as an English gentleman, appears to us to have been fully warranted in impressing upon the Jury, that they "would have to consider the evidence which, on the part of Mr. Hart and Mr. Campbell, had manifestly been well prepared, *as that of one man against another; for, practically, Mr. Hart and Mr. Campbell must be taken as one*". A second consideration is: In what manner was the evidence given? The Professor had only on the eve of the trial been informed by his Counsel that he would be placed into the witness-box, and was altogether taken at a disadvantage; yet, throughout a long and tedious examination and cross-examination, which occupied nearly the whole of the first day, he made every statement and answered every question in an earnest, frank, and

straightforward way, without one moment's hesitation; whilst the reserve and nervous hesitation of the Inspector-General became at times even painful, and the eager yet uneasy impatience of his Secretary to deliver his testimony like a lesson learned, combined with his unpreparedness to answer questions, was but too apparent. More especially during Mr. Campbell's examination, the Professor was observed endeavouring to catch the eye of the witness; but both he and Mr. Hart persisted in avoiding his glance. Thus, Mr. Rennie felt justified in remarking to the Jury: "There was an unreadiness on Mr. Campbell's part to answer questions; the way in which he gave his evidence, his hasty, eager manner, and his manifest animus could not impress them favorably. In regard to Mr. Hart, they must have seen how in many parts he overran his own evidence. The truthfulness and straightforwardness with which Plaintiff told his story, were manifest. They would contrast this with the prepared story of the Defendant, and the shuffling, feeble, and unsatisfactory evidence of Mr. Campbell". A third consideration is: Are there grounds for attributing a higher degree of veracity to the one or the other of the opponent parties? We are unable to discover any discrepancy, inconsistency, or improbability in the Plaintiff's statements so far as they are before us; whilst, certainly, not a single one of them has proved itself or been proved to be untrue. On the other hand, the majority of the statements of the Defendant, more especially of those numerous statements, contained in his letter to the Professor of October 20, 1869, have been found to constitute but one mass of self-contradiction, lack of probability, and deliberate falsehood. What credibility is to be accorded to a Witness, who, like Mr. Campbell, commences by telling an old friend, whom he wishes to render subservient to the schemes of his Chief, the positive untruth that the latter had been entrusted by both the English and the Chinese Governments with the foundation of a College of Western Science and Learning at Peking? What credence to a Defendant, who *in the same letter* charges a learned Professor with having refused to perform his duties, and admits that he has absolutely had no such duties to perform? The readiness and levity also, with which Mr. Hart takes an oath (65; 69), demand notice. Nor can we help observing, that in his reputed organ, "THE CYCLE", which, in its number for March 4, 1871, had a leading article on "Lying",—lying is defined as "*an accomplishment*", which may be viewed, among other aspects, under that of "*a social necessity*" or "*a subject for curious psychological study*". We do not, of course, hold the Inspector-General responsible for this definition; but, since his letter of

October 20, 1869, appears to us to form an illustration of it, at once real and brilliant: we feel warranted in pointing to the principle and its application. A fourth consideration is: Did any motives exist for the other party to deviate from the truth? Such a motive is not traceable in the case of the Plaintiff. On the contrary: any statement not in accordance with fact must have told against him. It was different with the Defendant. We have seen that, acting without authority from the commencement, he had incurred a heavy personal responsibility; that his object was to free himself of that responsibility; that he was unable and unwilling to do so by fair means; that there, consequently, existed a strong motive for his attempting to accomplish his aim at the sacrifice of truth; and that, as proven out of his own mouth, an utter want of truthfulness was actually exhibited by him in preparing his defence. An equally strong motive to support his Chief, on the part of the witness Mr. Campbell, has been indicated above; besides which the latter would seem to have acted in London, deceitfully towards the Inspector-General as well as towards the Professor. Another consideration is: Are there indications of personal animosity or malice on one side or the other? Proofs of such a feeling towards the Plaintiff, on the part of the Defendant, have already been given (35, a, and following Note 1); and that it was shared by Mr. Campbell will be presently seen. The Professor, on the contrary, had repeatedly proposed arbitration; nay, he had formally offered to submit to the individual decision of the Hon. Mr. Burlingame in the autumn of 1867, of Mr. John McLeavy Brown in the autumn of 1869,—both personal friends of Mr. Hart; he had once more, a day or two before the first trial, suggested to the latter an amicable arrangement; and his instructions to his Counsel were: to seek no more than what he judged to be strictly fair and just, and to abstain from any argument, which could tend to affect Mr. Hart's personal character. Lastly, it has to be considered, that the defence itself was virtually based, not on the non-culpability of the Defendant, but on his immunity, as a servant of the Chinese Government; whilst its aim was not so much to disprove the charges against Mr. Hart, as to free him of those charges by legal quibbles, oily insinuations, and oratorical gammoning, and to reduce the amount of anticipated damages to a *minimum*. This shows that the Defence had to admit the statements of the Plaintiff to be essentially true; and if they were admittedly true upon essential points, we may rationally infer that they were equally true upon minor points, i.e. that they were true *generally*. In combining, then, the various considerations here

adduced, we can hardly be wrong in laying down the following rules for our judgment:—1stly, in all cases, in which simple statements, unsupported by any other evidence, whether of the Defendant or his witness Mr. Campbell, are, singly, opposed to similar statements of the Plaintiff, full credence should be accorded to the latter; 2ndly, in all cases, in which simple, accordant statements of the Defendant and his witness, unsupported by any other evidence, are, combinedly, opposed to similar statements of the Plaintiff, greater weight should be attached to the latter; 3rdly, in all cases supported by positive evidence, in which such evidence may leave a doubt on the mind, the benefit of the doubt should be given to the Defendant or his witness.

73. We will now proceed to examine some of the statements, made on oath by Mr. Hart and Mr. Campbell, with the view of enabling the reader to determine for himself what degree of credibility they may appear to him to deserve. We shall quote chiefly from the proceedings, as reported in the “North-China Herald and Supreme Court and Consular Gazette”, and the “Shanghai Evening Courier”; the Notes of the presiding Judge, Mr. Goodwin, being necessarily short and somewhat defective, if not now and then slightly erroneous. The first object of the defence was to show, that no misrepresentations were made by Mr. Hart in London, and, with this view, that Mr. Hart was not answerable for the statements of his Secretary, i.e. that Mr. Campbell had acted, not as the agent of the Inspector-General, but as the friend of the Professor; further, that the latter was in straitened circumstances and, therefore, anxious to accept any position.

1. MR. CAMPBELL stated that, on Monday the 30th of July, 1866, he met Mr. Hart, who offered to him the position of *Chief Secretary to the Inspector-General of Chinese Maritime Customs*, which he accepted; but that he did not precisely recollect the date of the letter of his own appointment.

The PROFESSOR stated that Mr. Campbell represented himself to him in London as *Mr. Hart's Private Secretary*; and this some time previously to the 30th July, 1866, as well as at that period and subsequently, during their stay in England, and that he acted throughout in that capacity.

MR. HART stated, that he appointed Mr. Campbell to be his *Chief Secretary* in the summer of 1866; but that he was not officially appointed at the time of the negotiation with the Professor.

We will come to the aid of Mr. Campbell's weakly inclined memory. In the “Customs Gazette”, appended to the “Reports on Trade, for the year 1866, published by order of the Inspector-General of Customs”, Shanghai, printed at the Imperial Maritime Customs Press, 1867, 4to., there will be read, at page 165, the following appointment: “4th November, 1866, JAMES DUNCAN CAMPBELL, to be Chief Secretary and Auditor at the

Inspectorate General, with rank of Deputy Commissioner. *Appointment date from 1st October*". It is for the first time that Mr. Campbell's name here appears in the "Customs Gazette". On the 4th November, 1866, Mr. Hart, on his return-voyage to Peking, had just arrived in Shanghai. An un-official appointment is no appointment; but simply the promise of one. Mr. Campbell, therefore, being appointed only on the 4th November, 1866, in Shanghai (his appointment to date from the 1st October, 1866, had not been appointed the Inspector-General's Chief Secretary in the summer of 1866, in London; and he actually was what he represented himself to be, namely, *Mr. Hart's Private Secretary*, unless that representation was a false one; for, that he did represent himself to the Professor in the capacity of Secretary, appears from his own admission, when cross-examined by Mr. Rennie, to the effect that the Professor, at the period of negotiation, "*knew that he (Mr. Campbell) had the appointment of (Chief) Secretary to Mr. Hart*", which, consequently, he must have told the Professor himself. Mr. Campbell had "met Mr. Hart" long before "*Monday the 30th July, 1866*", and had, before that date also, informed the Professor that he was going to return to China as Mr. Hart's Private Secretary.

2. MR. CAMPBELL stated, that, on meeting the Professor previously to the 3rd August, 1866, he informed him of his own appointment as Mr. Hart's Secretary, whereupon the Professor expressed his wish to have a suitable appointment in China also; whereupon Mr. Campbell spoke generally of what Mr. Hart had come to England for, and what he was doing, that he was selecting certain gentlemen as professors to go out to China, and that he was looking out for professors of English, French, and Chemistry; whereupon the Professor immediately jumped at one of these Professorships, and asked Mr. Campbell to speak to Mr. Hart about it in his favor. He knew before that meeting the Professor to be in distressed circumstances.

The PROFESSOR stated that, subsequently to having been told by Mr. Campbell of his intended return to China, he received from him an invitation to breakfast at his Club; that he then informed him, that Mr. Hart had been entrusted by the Chinese and English Governments with the foundation of a College of Western Science and Learning in Peking, and proposed to him to become a candidate for the Chair of Astronomy and Mathematics in it; that, after one day's consideration, he positively declined the proposition; and that it was only on the strength of Mr. Campbell's further representations of a most glowing order, and holding out the highest prospects, that he was finally induced to entertain it.

No one, to whom the Professor is more intimately known, will for one moment credit Mr. Campbell's story. It must be admitted, however, that, on the ground of the alleged distress of a friend of his family's, Mr. Hart's witness has rendered that story at first sight plausible enough. But, independently of its imaginary basis, the Professor had shown through a long series of years that no difficulties could turn him from the purpose of his life, and no

"distress" from the pursuit of his researches. Six weeks after his arrival in Peking he was prepared, and desired, to return to Europe (20, and Note 1). Mr. Campbell takes care not to say at *which* one of the Professorships he names, and *none* of which were ever so much as named either between him or Mr. Hart and the Professor, the latter jumped. He avoids an allusion to the Chair of Mathematics and Astronomy and the projected College of Western Science and Learning in Peking with a kind of hydrophobic fear; and amusingly depicts Mr. Hart as on the look out for, and selecting, as professors, certain gentlemen *to go out to China*—possibly to the desert of Gobi. Although the Professor took with him to Peking only the more important portion of his correspondence, Mr. Campbell's notes to him relative to this matter may yet be in existence, the same as is the Civil Service Club. There are, moreover, those living, to whom the Professor related at the time everything which and as it occurred, and who will be able, in this sense, to testify to the literal truth of the Professor's statements, and that, so far from wishing to leave England at the period in question, he felt sanguine of his early success, and was intent only on its prosecution.

3. Mr. CAMPBELL stated, it was on account of his circumstances, that he (the Professor) accepted the offer to go to Peking. Members of his own family had rendered him material, pecuniary assistance. (Cross-examined by Mr. Rennie:) The assistance, he spoke of, was rendered [twelve or thirteen years previously] in 1857 or 1858. Knowing that the Professor was in difficulties and unwell, he mentioned the matter to a clergyman, who had known the Professor and himself at Heidelberg in 1852. This gentleman sent him money, had him down to his residence for a time, and subsequently took him to the Isle of Wight. The money was afterwards repaid with interest, not by the Professor but by a friend; but the expenses, his (Mr. Campbell's) friend was at, were not re-paid. He did not wish to make any reflections on the Professor. (Mr. Rennie: You will not be allowed, Mr. Campbell.)

The member of his own family, to whom Mr. Campbell alludes, was a late uncle of his. The statement, which not only betrays the animus, but in some degree indicates also the character, of the witness, speaks for itself; and would be unworthy of remark, were it not that it contains several inaccuracies and errors. Mr. Campbell takes credit unto himself for an alleged act of good feeling, to which he is not entitled. The friendly relations, which existed between the Rev. Mr. B... and the Professor, rested on very different grounds. The former, a somewhat eccentric old gentleman, had no residence either in England or abroad. He travelled a good deal, and generally lived in private lodgings. One day, on the Professor dining with him, and the conversation having turned on the difficulties with which, owing to the passive opposition his views encountered on the part of the

scientific world, he had to contend, the Rev. Mr. B... kindly insisted on acceptance of a cheque (for a not very large sum) by way of a temporary help; but, adding as he did some remark, at which the Professor took umbrage, the latter quietly tore up the cheque and, handing it back to the Rev. Mr. B..., observed to him that, much as he appreciated his kind intention, he must decline availing himself of it under the circumstances. This was an explanation, and a pressing renewal of the offer. The Professor has been with Mr. Campbell's uncle in the Isle of Wight; but he has been staying with him, elsewhere, on a short visit, as he has been with Mr. Campbell's father; and, neither gentleman being a lodging-house keeper, he certainly did not present a bill, for expenses incurred, to their invited guests.

4. Mr. CAMPBELL stated, that, before the Professor had seen Mr. Hart, he (witness) asked him if he had testimonials, as it was (or as it appeared to him) necessary to produce testimonials in applying for the professorship.

The PROFESSOR stated, that, after his interview with Mr. Hart, the latter, on account of the Professor's anti-Newtonian views, expressed through his Secretary, Mr. Campbell, a wish to have testimonials (19).

Mr. Campbell's object was to show, that he simply acted as the Professor's friend, and, after introducing him to Mr. Hart, took no further part in the negotiations. There exist two documents to prove the truth of the Professor's statement. The first is Mr. Layard's letter to the Professor, sent in consequence of Mr. Hart's wish, as a testimonial to him, and which contains the date of the Professor's application to Mr. Layard (19, Note 5). The Defendant was called upon to produce this letter at the trial, but failed to do so. The second document is Mr. Hart's private letter to the Professor, dated Lisburn, August 15, 1866, and in which he says: "The package of letters, etc. (19), to your address, which you left with me on Saturday last, I shall retain till we meet, when I shall return it to you." The date of Saturday preceding the 15th August, was the 11th August 1866. Between Mr. Hart and the Professor no testimonials were ever mentioned. Indeed, that they were not mentioned at the only two interviews they had in England, on the 4th and 8th August, is shown by Mr. Hart's own evidence. Consequently, the testimonials in question must have been asked for by Mr. Hart, through his Secretary, at some time between the 9th and 11th of August, 1866, both dates inclusive.

5. The PROFESSOR stated, that the question of salary was not mentioned between Mr. Hart and himself; that Mr. Campbell, when he invited him to become a candidate for the Professorship under consideration, named to him £800 a year; that he objected; that he spoke some days later of £2000 a year; that Mr. Campbell, between the 9th and 11th August, 1866, told the Professor that he had seen Mr. Hart on the subject; that the latter, for special reasons, wished a uniform sum to be inserted in all his letters of appointment, but that

the Professor, whom it was intended to name President of the projected College, etc., might rely on everything being arranged to his entire satisfaction after their arrival in Peking; in short that the amount of salary was left an open question.

Mr. CAMPBELL stated, that, previously to the Professor's first interview with Mr. Hart, August 3, 1866, he had told the Professor that the salary would be £600 a year.

That he "believed", Mr. Hart, at his first interview with the Professor, spoke about the salary, and that he mentioned what the rate of salary would be for each professor.

That, after the Professor's appointment, his salary was fixed at £600 a year.

That he (Mr. Campbell) *never did* represent to the Professor, that it was intended to name him President of the College, to arrange about his salary, etc.; but, if he *did* so, that he did it without Mr. Hart's authority.

(Re-examined by Mr. Rennie:) That all his conversations with the Professor relative to these matters took place after the latter's appointment.

Mr. HART stated that, at his first interview with the Professor, he explained to him, that his salary would be £600 a year for the first five years, £800 for the next five years, and £1000 after the 10th year;

In his letter to the Professor of October 20, 1869, § 19, Mr. Hart also states that £600 a year was "the amount of salary originally notified to the Professor".

There is a mass of contradiction here: both Mr. Hart and Mr. Campbell, who was not present at his Chief's examination, positively contradicting each other, and Mr. Campbell as positively contradicting himself, the same as does Mr. Hart; thus leaving to the Professor's statement its full and unimpaired character for credibility, further supported by the fact, on the one hand, that Mr. Hart failed to explain, how it happened that the Professor's salary was, in his letter of appointment, so vaguely designated as "to commence at" £600 a year; and, on the other hand, that Mr. Campbell equally failed to explain, in what the advantage, which the other Professors might have over to the Professor of Astronomy, in the event of his delaying his departure, consisted, *viz.*, according to Mr. Campbell, in the chance of one of the other Professors being appointed to the position of President intended for the Professor of Astronomy. It was during Mr. Hart's absence in Paris, that the Professor made some inquiries about Chinese salaries, &c. What use and what sense would there have been in discussing the amount of salary, after it had actually been fixed and "accepted" by the Professor?

Mr. CAMPBELL, cross-examined, stated, that there was nothing said about salary between him and the Professor till after the latter's appointment (August 15, 1866).

That the matter of salary was not discussed at the Professor's first interview with Mr. Hart, and that he had no recollection of Mr. Hart saying anything about it.

That he wrote to the Professor not to defer his departure, as the other Professors who were going out, *would have an advantage over him*, and also have the opportunity of becoming better acquainted with Mr. Hart.

Mr. HART stated that, at his first interview with the Professor, he led him distinctly to understand, that his pay would be at the rate of £600 a year; and that Mr. Campbell was present all this time.

6. Mr. CAMPBELL stated, that he had never said anything to the Professor, which could lead him to fancy, that Mr. Hart was in any way employed by the English Government.

The PROFESSOR stated, however, by Mr. Campbell, that Mr. Hart had been entrusted by both the Chinese and English Governments with the foundation of the College in question.

Mr. Campbell's statement is simply a quibble and an evasion of the question at issue. The Professor's first letter to Mr. Hart of August 1866, commences thus:—"I have just learned from my friend James Campbell, Esq., that you have been entrusted by the Chinese and the English Governments with the foundation of a College at Peking, and are about to appoint to it Professors in various branches of Science and Learning". Mr. Hart, in his cross-examination, had to admit:—

that he read, in London, the Professor's letter in which he speaks of his being empowered by the "*Chinese and English Governments*", and which he is almost sure was given to him *after their first interview*; that he must have known what the Professor says about the "*Chinese and English Governments*", before he sent him the letter of appointment; but that he did not think it worth while noticing it.

At variance herewith, Mr. Hart, repeating himself, stated that

he did not think it necessary to explain to the Professor, at the time of engaging him, that his authority was solely from the Chinese Government, because "imagined", that point had been fully understood *at their first interview*.

- The facts are, that Mr. Hart's authority, a merely verbal one, was from some Member or Members of the Tsung-li Yamên, and not from the Chinese Government at all; that he had received the Professor's letter before that first interview; that he never corrected the statement in question, either at that interview or subsequently, and never even asserted having done so; and that, consequently, he tacitly adopted it, and *positively left the Professor under the impression of its truth*. How much importance the Professor attached to the English guarantee, he will be able to prove by living witnesses, to whom he stated the fact, and with whom he consulted, at that time. And can any reasonable person believe, that Mr. Campbell did not make the statement, under discussion, to the Professor; but that the latter invented, and thereupon, in a written letter to Mr. Hart, simply imputed it to his Secretary? Can any reasonable person doubt that, under the circumstances of the case, Mr. Hart is equally, and legally as well as morally responsible with Mr. Campbell for that false statement,—false every word of it?

¹ This is, in connection with Mr. Hart's affidavit (65), a remarkable expression. Mr. Hart writes, not "a German", but "a person of German birth", as though, on October 20, 1869, he had not only remembered, what the Professor had previously

7. Mr. CAMPBELL stated, that, on the first occasion of his meeting with the Professor, he told him nothing whatever about his (Mr. Campbell's) coming out to China, as he knew then nothing about any such prospects.

That, on a subsequent occasion, which was before the 3rd August, he spoke to him about his own appointment; upon which the Professor applied to him about something to do.

That, on two occasions he spoke to Mr. Hart about the Professor, said that he was a man of great erudition, studious habits, etc., and that he thought he would be a fit person to fill one of the situations which Mr. Hart had to offer. (Cross-examined by Mr. Rennie :) That he told the Professor, he had mentioned his name to Mr. Hart.

Mr. HART stated, that, before the Professor was introduced to him, he had spoken to Mr. Campbell about his intention of going to Paris to see some Professors there, who were candidates for some of the offices in the College; that Mr. Campbell then told him about the Professor, who was (with his consent) introduced to him subsequently.

Mr. CAMPBELL stated that the Professor requested him to speak to Mr. Hart in his favor for one of the professorships of English, French, or Chemistry, which he had to offer.

Mr. HART stated, that the Professor applied for the professorship,—repeating himself, he stated, for one of the professorships,—of which Mr. Campbell had spoken to him.

The PROFESSOR stated, that he never requested Mr. Campbell to apply to Mr. Hart for a Professorship, or to mediate for him in any way or for any object whatever; that Mr. Campbell, by special appointment, invited him to become a candidate for the Chair of Astronomy and Mathematics in a projected College of Western Science and Learning at Peking; and that there was no question of any other Chair either between Mr. Campbell or Mr. Hart, and himself.

Now, in his letter to the Professor of October 20, 1869, § 4—6, Mr. Hart, as we have seen, wrote to him as follows:—"In 1866, being about to visit Europe on leave, I was authorized by the Yamen to engage the services of a staff of Professors for the College...The plan which I had proposed to myself to carry out,...led me to desire to find a person of German birth,¹...for a chair, which was to be devoted to the teaching of Mathematics...and Astronomy. When in London, in the summer of that year, 1866, you were introduced to me by Mr. Campbell as possessing all the qualifications I desired for the chair referred to". Mr. Hart, therefore, towards and at the beginning of August, 1866, was in search of a Professor of Mathematics and Astronomy, and, as he admitted in Court, first spoke on the subject to Mr. Campbell, who told him about the Plaintiff; whereupon the latter was introduced to him accordingly, a few days afterwards,—whether by Mr. Hart's desire, or, as Mr. Campbell stated, with his assent only, matters little. Here, then, we have, in Mr. Hart's own words, the fullest confirmation of the Professor's statement in every particular. Mr. Hart was looking out, in England, for

stated to him, namely, his being a naturalized British subject, but as though, at that time, he did also fully believe, as well he might, in the truth of the statement. Compare the binding nature of an oath in evidence (65).

a Professor of Mathematics and Astronomy, a person of German birth: wishing him to leave for Peking together with himself (Mr. Hart), within six weeks, there was little time to lose. Mr. Campbell, at that period as yet appointed Chief-Secretary to the Inspector-General, represented himself, and to all appearance truly so, as Mr. Hart's Private Secretary. At any rate, he held a confidential position,—a position, as Mr. Hamer expresses it, of “very intimate relationship, with Mr. Hart”. To this *intimus* of his, then, Mr. Hart speaks of certain professorships, he wishes to fill up in “the [projected] College”, and, included in them, he must have spoken of the chair of Mathematics and Astronomy; because Mr. Campbell could otherwise not have known, that the Plaintiff “possessed all the qualifications Mr. Hart desired for “the (particular) chair referred to”. Further Mr. Hart spoke to Mr. Campbell in reference to this matter, before the Professor is by Mr. Campbell alleged to have requested him to speak to Mr. Hart on the subject, *i.e.* before he (the Professor) had any knowledge whatever of the projected University: because, when for the first time Mr. Campbell spoke to the Professor about his own return to China, and the Professor, as he alleges, thereupon “applied to him about something to do” in China also, he (Mr. Campbell) *knew* that Mr. Hart was “selecting certain gentlemen as professors to go out to China”, that their salary would be £600 a year (72, 5), &c.; and because Mr. Campbell, in his cross-examination, admitted that, on the occasion in question,—his “subsequent occasion”—, “he told the Professor that he had mentioned his name to Mr. Hart”,—which he did tell the Professor when he first proposed to him at the Civil Service Club, where he had invited him to breakfast, the candidature for the Professorial Chair here in question. What amount of credence the reader may be willing to accord to Mr. Campbell's unsupported statement, to the effect that the Plaintiff, through him, solicited one of the professorships which Mr. Hart had to offer (73, 7), in opposition to the emphatically reiterated and fully supported statement of the Professor to the contrary, it is not for us to say: but, quite independently of this point, we venture to think, the convincing and positive proof has here been furnished by us, that Mr. Campbell, whether as Mr. Hart's Private Secretary or *intimus*, acted, in the matter under consideration, from the very first as Mr. Hart's agent, and not as the Professor's friend; that, as Mr. Hart's agent, he proposed to him the candidature referred to, and stated that Mr. Hart had been entrusted by the Chinese and English Governments with the foundation of a College for Western Science and Learning at Peking; that, as Mr. Hart's agent, he

introduced the Professor to the Inspector-General; and that, as Mr. Hart's agent, he told him at first that the salary was to be £600 a year, made to him the subsequent communications respecting salary, (73, 5), &c., asked for testimonials (73, 4), and generally participated in carrying on negotiations between Mr. Hart and the Professor. This is still confirmed by the circumstance, that Mr. Campbell accompanied Mr. Hart to Paris, when, on August 4, the latter went "to see some other Professors there"; that he acted as his agent, in communicating with the Professors on their arrival in Shanghai, and afterwards in Peking; and that, practically, he never acted as the friend of the Professor, but invariably, and mostly in opposition to the just rights and claims of the latter, as the friend or instrument of Mr. Hart. Yet further proofs the Professor will be able to adduce and collect, if necessary, after his return to England.

Mr. CAMPBELL stated, that he went to Paris on the 4th August; stayed there six days [till the 10th August]; returned to London with Mr. Hart; remained in London a day or two; was not sure whether he saw the Professor at that time or not; did not know when Mr. Hart left for Ireland; returned to Paris; from thence went direct to Clifton; and (in cross-examination) that, between the 3rd and 13th August he never told the Professor, that he had spoken to Mr. Hart about certain questions relative to him, and that Mr. Hart had answered him.

Mr. HART stated, that he and Mr. Campbell went to Paris together, on the 4th August, and returned on the 7th or 8th; that he had a second interview with the Professor, but was not sure of the date; returned to Ireland in the evening of the 9th August.

The PROFESSOR stated that, after Mr. Hart's return from Paris, he had a second interview with him on the 8th, and that between the 9th and 11th August, (those) communications between them respecting salary, &c. (which we have already mentioned, 73, s), took place through Mr. Campbell.

The object of the Defendant and his witness manifestly is to show, that the communications in question, which would have further proved the agency of Mr. Campbell, *could* not have taken place, as well as that, according to Mr. Campbell's deposition, they *did* not take place. Hence, Mr. Campbell extends his stay in Paris to the 10th August, and Mr. Hart hurries off from London for Ireland on the 9th August. But, by thus necessarily falling into chronological contradiction with each other, they mutually destroy each other's credibility. Nor is this all. Mr. Hart and Mr. Campbell agree in stating that they went to, and returned from, Paris together. Mr. Hart, at variance with Mr. Campbell, states that they returned to London on the 7th or 8th August; and Mr. Hart and the Professor agree in stating that their second interview took place in London on the 8th August. Mr. Campbell, therefore, having returned with Mr. Hart, was on the 8th August, not in Paris but in London.

He further states that, having left for Paris on the 4th August, he remained there six days, and returned to London, where he remained a day or two. He must, therefore, have remained in London up to the 12th, or, as he himself intimates, in cross-examination, to the 13th August. Consequently Mr. Campbell is proved to have been in London between the 9th and 11th August, both days inclusive. Mr. Hart admitted, that he had returned to London on the 7th or 8th August; and we have already shown, from Mr. Hart's own private letter to the Professor of August 15, 1866, that—in perfect harmony with the latter's statement, that "on the 11th August he again went to call on the Inspector-General for the purpose of handing to him certain papers and speaking to him respecting salary, but did not find him at home at the time, and that he (Mr. Hart) left town the same evening", (19)—Mr. Hart was still in London on the 11th August (73), and only left for Ireland in the evening of that day. Consequently, Mr. Hart also is proved to have been in London between the 9th and the 11th August, both days inclusive: and, consequently, the communications in question can indubitably have taken place. Whether they *did* take place, or whether Mr. Campbell *falsely* represented to the Professor that they had taken place? Mr. Hart himself has never specially denied them; and the united, but unsuccessful effort of both the Inspector-General and his Secretary—or, since Mr. Hannen prefers it, his *intimus*—to show that they could not have taken place, will hardly fail to exercise its legitimate influence on the reader's conclusion, equally as to Mr. Campbell's agency, and as to the facts themselves.

74. We have seen, that on the 3rd August, 1866, the Professor, who and Mr. Hart were at the time perfect strangers to each other, addressed to the Inspector-General a letter, *requesting a personal interview*; that the Professor in this letter said: "I have just learned from my friend James D. Campbell Esq., that you have been entrusted by the Chinese and the English Governments with the foundation of a College at Peking" etc. (8, 3); that, in Mr. Hart's letter to the Professor of October 20, 1869, § 6 (38), he stated that, the latter having been introduced to him by Mr. Campbell, a long conversation occurred between Mr. Hart and the Professor; that *thereupon* the Professor applied in writing, on the 3rd August, for an appointment; that, consequently, the first interview between Mr. Hart and the Professor had taken place previously to that application; and that the Professor, on

¹ In the "North-China Herald and Supreme Court and Consular Gazette", the Professor is erroneously reported to have stated, that it was in consequence of this

so applying, *had deliberately accepted all the conditions, which Mr. Hart stated to have explained to, and impressed upon, him.* If, on the contrary, the interview had, in the ordinary course of things, followed the application for it, not only would the alleged conversation with all its consequences fall to the ground as an idle invention, but Mr. Hart, having previously received and read the Professor's letter, and having admittedly at an immediately following interview *not contradicted or in any way corrected the statements contained in that letter, must also necessarily be inferred to have at least tacitly confirmed and adopted them as his own* (73, c). It was, therefore, of moment for the Defence to make every effort to establish, that Mr. Campbell had introduced the Professor to Mr. Hart before he had received and read the Professor's request for an interview; but, as it is obvious that, had the interview taken place on the 2nd August or still earlier, the Professor could not reasonably be supposed to have applied for it on the following or any subsequent day, the *only* day which offered itself to the Inspector-General and his *intimus* for their purpose, was the date of the letter itself, namely the 3rd August. Upon this day they, consequently, fixed the interview.

MR. CAMPBELL stated, that, when he met the Professor again, he appeared very anxious to see Mr. Hart; that he afterwards made an engagement to meet him at his Club—the Civil Service Club—on Friday the 3rd August; but that he did not come till some time after the hour, the excuse he made for his lateness being that he lived a great distance away and couldn't afford to hire a cab, and that he had been writing a letter to Mr. Hart; whereupon Mr. Campbell took him to that gentleman and introduced him.

The PROFESSOR stated, that, when he met Mr. Campbell again, he positively declined his invitation to become a candidate for the proffered Chair, but was by Mr. Campbell's urgency and the glorious prospects held out by him, finally induced to change his mind,¹ and to address to Mr. Hart a letter implying an offer of his services generally, in terms proposed by Mr. Campbell, and to request, on the 3rd August, an interview, which, in consequence of this application, took place on the following day, the 4th August.

MR. HART stated, that the Professor was introduced to him by Mr. Campbell on the 3rd August; that he had no doubt the date was the 3rd August, on which he first saw the Professor, as it was entered in his journal, which he kept from day to day; that, before the Professor left, he repeated and impressed on him what he had previously told him, Mr. Campbell being no longer present; that the Professor, standing up, thereupon drew from his pocket his letter of application and asked Mr. Hart whether he shouldn't leave it with him; that Mr. Hart, to the best of his recollection said, yes, he had better hand it to him as it would formalize his application; that, to the best of his recollection, the Professor consequently left the letter with him; that the letter was dated the 3rd August; that he saw the Professor on the same day; and that this was early in the afternoon on the 3rd August. (Cross-examined by Mr. Rennie :) That for his evidence he made no reference to his journal,

conversation with Mr. Campbell, he went to see Mr. Hart on the 8th August. It should read the 4th August.

except as to the events of the 11th June, 1868; that, as to these, he relies on his memory; that he did so *also* as to...; *also* as to the date of the interview; that his journal merely contained the date of this interview, and not the date when it occurred at it; that, what he now stated was from his own [unrefreshed] memory; that his letter to the Professor of October 20, 1869, was from his memory; that he was *almost* sure that the Professor's letter of the 3rd August was given to him after their first interview; that he "believed" he asked the Professor to leave the letter, in order to render his application more forcible; that he remembered the interview took place on a Friday; that he did not remember when the papers and letters were handed to him; that his journey stopped on the 7th August. [Mr. Rennie: Dear me!]

Now, we should premise that, so far as the question at issue is concerned, it matters little whether the interview took place on the 4th or on the 5th of August. Suppose the Professor's letter had been sent to Mr. Hart in the morning of the 3rd August, Mr. Campbell being present at its receipt, and arriving soon afterwards; and further suppose him, hereupon, to have written at once to the Professor, appointing an interview with Mr. Hart for the early afternoon of the same day: there is ample time for all this. In Mr. Hart's position would even assume a worse aspect than in the other case. But we will examine the matter on its own merits. Mr. Campbell and the Professor agree in stating that, when "they met again",—*i.e.* when the Professor, after having taken a day to consider Mr. Campbell's proposition, met him again at the Civil Service Club,—he had not as yet seen Mr. Hart. On that day, in the reading-room of the Club and on a *sheet of the Club's writing-paper*, the Professor sketched out, at Mr. Campbell's suggestion, a letter to Mr. Hart such as Mr. Campbell wished it to be written. This draft, we have reason to believe, is still in existence. In his evidence, the Professor abstained from alluding to the circumstances because he then felt as yet uncertain whether the proof might be furnished. On the following day his letter of the 3rd August was, accordingly, written at, and sent from, his own apartments. As reported in "the Shanghai Evening Courier",

PLAINTIFF stated, that he wrote at his own house, but wrote substantially what Mr. Campbell had told him to write; that it was Mr. Campbell, who told him that Mr. Hart was empowered by the Chinese and English Governments, that the whole statement about his qualifications, etc., he wrote to please Mr. Campbell; that the Chair of Mathematics and Astronomy alone, was ever spoken of between them (Comp. 73, 7, and Mr. Hart's letter of October 20, 1869, § 4-6).

MR. HANNEN.—Do you mean to say *seriously*, that this long list of qualifications [—the list was not a long one—] was written to please Mr. Campbell?

PLAINTIFF.—Mr. Hannen, I am here on my oath, and that should satisfy you that I am speaking seriously. What I wrote was by Mr. Campbell's dictation. There never was any question between Mr. Campbell and me, or between Mr. Hart and me, but of the Chair of Mathematics and Astronomy. [It will have been observed also, that in the Professor's letter of the 3rd August, 1869, he does not apply for any professorship at all, but simply solicits an interview.]

On the 3rd of August, therefore, when the Professor wrote his letter to Mr. Hart, requesting an interview, he had not yet seen the Inspector-General. But, when Mr. Campbell "made an engagement to meet him at his Club", early in the afternoon, as he and Mr. Hart state, of the 3rd August, *for the purpose of introducing the Professor to the latter*, he must previously have received Mr. Hart's "assent" to the interview, and, *previously*, whether verbally or in writing, have informed the Professor to that effect. Under any circumstances, therefore, *the Professor knew before, or at an early hour in the morning of, the 3rd August*, that an interview between him and Mr. Hart *had been appointed in writing or verbally arranged with himself* by Mr. Campbell. Hence, it would be simply preposterous to believe, what Mr. Campbell asserts, namely, that the Professor should have sat down, just before the hour appointed for the interview, to write a letter soliciting an interview; to have excused himself for being late on that silly ground; and, as he, in connection with Mr. Hart's evidence, implies, to have put the excuse for his lateness, duly sealed, into his pocket. The obvious fact is, that the Inspector-General's story requiring the Professor to take the letter in question from his pocket at the end of the interview, his Chief Secretary undertook to place it there, as guardedly as though a lawyer's hand had guided the action, before the interview. If the Professor's memory does not deceive him, he took a cab to the Civil Service Club, because it was raining when he started; and it is quite possible, being less anxious to see Mr. Hart than Mr. Campbell would have it appear, that he had waited some little time to see whether the rain would cease. Mr. Hart's story is not less incredible than that of his Secretary, and, independently of the contradictions with himself into which he falls and the greatly modified confidence of his tone in cross-examination, even more painful, on account of the elaborately got up details in which he indulges, and which cannot possibly be attributed to any self-deception on his part. If those details are untrue, they must needs be held to be wilfully untrue. And untrue they are. We abstain from adducing any proof which, at the present, is not actually in our possession. It will suffice to point out, that both Mr. Hart and Mr. Campbell have manifestly overlooked in the Professor's letter to Mr. Hart of the 3rd August, this passage:—"A list of my published works, and one or two of the latter themselves, I venture to submit to your notice". The works, which accompanied the Professor's letter, and which were duly returned to him by Mr. Hart, consisted of several volumes on Astronomy and Chronology and one or two on Biblical Exegesis, of pages

614, 266, 400, 264, 260, and 269, respectively. They were done up in a parcel, which cannot have weighed much under *ten pounds*. Did the Professor, then, carry this parcel from Fitzroy-Square to St. James' Street thence, unnoticed by Mr. Campbell, to Mr. Hart's Hotel, in his pocket? And did he, together with his letter, draw it from his pocket, at the interview, for the sake of formalizing his application for that interview? No rational person will, after what has been said, for a moment doubt the Professor's statement, that he sent his letter of the 10th August, accompanied by the packet of books referred to in it, to Mr. Hart's Hotel; that thereupon Mr. Campbell appointed an interview for the following day; and that the interview took place accordingly on the 11th August. Both Mr. Hart and Mr. Campbell, it is true, remember that the day was a Friday; but their memory, which may possibly have been refreshed, also on this point, by an almanac for the year 1866, we have found to be of a somewhat fitful, accommodating, and unreliable nature. Both the Inspector-General and his *intimus* recollect distinctly, although without any special reason, that the day preceding their departure for Paris was a Friday; but, on what day of the week, within a week thereafter, they returned to London, how few days they remained in Paris, on what day they still within a week from their departure for Paris, Mr. Hart left London for Ireland? Respecting all these dates, their uncombined memory failed them, and they contradict each other to the fullest extent possible. The Professor, on the contrary, though he had until quite recently no almanac for 1866 to refer to, remembered *correctly*, as we have seen, the date of Mr. Hart's departure for Lisburn, and of their second interview upon the Inspector-General's return from Paris; and he may, therefore, not unreasonably be supposed to have correctly remembered also the date of his first interview with Mr. Hart,—a date still further confirmed by the circumstance, that both Mr. Hart and Mr. Campbell happened to mention to him the former at, the latter before, the interview, that they intended to leave in the evening (of the same day) for Paris, but would be back in three or four days.

75. There still, however, remain two elements to be considered in connection with this subject, namely, Mr. Hart's Journal and his letter of the Professor of October 20, 1869. Mr. Hart stated, that his letter was written by him, without reference to his Journal, from his memory. But does it appear credible, that, in a letter so elaborately and carefully prepared for legal use,—a letter, to which, with a degree of complaisance

rare with the Inspector-General as it was remarkable, he added "true copies" of letters from the Professor to him and from himself to the Professor, together with other "enclosures", all bound up under the seal of the "Inspectorate-General",—Mr. Hart should *not* have consulted that remarkable Journal of his, which he stated he kept *from day to day*; which was there, ready to his hand *for* reference; and from which, also on a subsequent occasion, he did *not* refreshen his memory, *except* in reference of every date and every point intended to serve his cause or his purpose? As to the Journal itself, singularly enough, though carried on "from day to day", it suddenly stopped, or was said to stop, on the 7th August, and even under that date, it did not say whether Mr. Hart still remained in Paris, or had returned to London. Of his departure for Lisburn it knew as little as did Mr. Campbell. But what is more singular still, although Mr. Hart was willing to submit his Journal to the presiding Judge, Mr. Goodwin, he decidedly objected to allow the Plaintiff or his Counsel the very sight of, much less to examine, it. If there was nothing wrong about the bare date of the 3rd August, which the Journal was said to give for the interview in question, we can but infer that Mr. Hart had at the time confounded the interview itself with the Professor's application for it. This hypothesis derives some countenance from a combination of his evidence at the trial with his letter of the 20th October, 1869. According to the former, he agrees with the Professor,

that they met only twice in London; that he (Mr. Hart) made no representations to the Professor at the second interview, and that very little passed between them on that occasion, he (Mr. Hart) being pre-occupied and very busy.

So far as this goes, Mr. Hart appeared equally pre-occupied and busy at the Professor's first interview with him; and, we may remark, that every table in his sitting room was then covered with sample-bottles of wine for tasting. Now, in his letter of October 20, 1869, after relating what he alleges to have passed on the Professor being introduced to him by Mr. Campbell, he goes on to say that, thereupon, "on the 3rd August the Professor applied for an appointment in a letter of which he (Mr. Hart) enclosed a copy, and that he *again* impressed upon him" (the Professor), what he alleges to have stated on the previous occasion (38, § 6). This written version is irreconcilable with his oral one. His own combined evidence, however, proves: 1stly, that, only two interviews having taken place and no representations having, admittedly, been made by Mr. Hart at the second interview, he cannot have *repeated* at the *first* interview what

he alleges to, but cannot, have "explained" to the Professor before; that the entire conversation, which he alleges to have taken place prior to their first interview, is simply the child of his own invention; and that, consequently, he cannot have explained and said,—as he did explain and say,—what he alleges to have "explained" and said to the Professor either at their imaginary or at their first interview, at all.

76. We may now treat the further statements of the Defendant as his witness as to what, according to them, occurred at the first interview of which the Professor's narrative has already been given (19, comp. Note to 38 § 6), with brevity; the more so as

in his evidence:—

Mr. HART made the significant deposition, that, at their first interview, *he said nothing about what the Professor would have to do*, but merely spoke of what the Professors generally would have to do;

in his letter of Oct. 20, 1869:—

that the Chair of Mathematics and Astronomy was exclusively and from the first so spoken of between the Professor and himself.

in his letter of Oct. 20, 1869:—

Mr. HART writes, that he repeatedly explained and impressed upon the Professor what he would personally have to do;

in his evidence:—

that he repeated to the Professor the conclusion of the interview, *must remember what he (Mr. Hart) said, if he (the Professor) desired of the appointments of which Mr. Campbell had spoken to him.*

There pervades the statements of Mr. Hart a degree of confusion and self-contradiction, which would be amusing if it were not painful; but it is clear that, whatever may be the duties of a teacher of the first elements of English, they cannot be the duties of a Professor of Mathematics and Astronomy; and, if Mr. Hart, as he admits on oath, said nothing to the Professor about his own personal duties, the conversation consisted in a general chat which could not possibly impose any obligations whatsoever on the Professor.

1. Mr. CAMPBELL deposed that, at the first interview, Mr. Hart explained to the Professor, that his duties at Peking would not occupy him more than six hours a day.

Not only is this statement positively contradicted by Mr. Hart's evidence just quoted; but Mr. Hart himself has never even alleged to have made such a proposition so preposterous to the Plaintiff. The late Professor of French and the actual Professor of Chemistry are prepared to state on oath, that it was not made to them either. It appears to have been submitted by Mr. Hart to the present Professor of English in the T'ung-Wên-Kuan, as the "Enclosure No. 4" shows (39). Manifestly, Mr. Campbell had studied this enclosure together with Mr. Hart's letter of the 20th October, 1869: *he understood* the concluding sentence of the Enclosure: "Your duties will occupy you at least six hours daily" in its proper bearing and connection.

and, thereupon, unhesitatingly swore, that Mr. Hart did state those words—which he did not—to the Professor of Astronomy at their first interview within his (Mr. Campbell's) own hearing.

2. Mr. CAMPBELL stated, that the Inspector-General explained to the Professor, that the work for him to perform in Peking would be at first a schoolmaster's task.

Mr. HART stated, that, at their first interview in London, he distinctly explained to the Professor, that his duties would be those of a country-schoolmaster.

Mr. HART stated (as we have just seen), that he said *nothing* about what would be the duties of the Professor personally, but that he spoke generally only.

The reader is requested to still compare Mr. Hart's private letter to the Professor of August 15, 1866 (19, 4), and the Professor's letter to him of January 28, 1867, and to remember that Mr. Hart held the Professor to be a man of genius and original research. The object of both Mr. Hart and his Secretary is here to show, in diametrical contradiction with themselves and with facts, that Mr. Hart engaged the Professor, not for the projected "College of Western Science and Learning", but for the existing "Language-School" at Peking. That School being no University or College and possessing no professorial Chairs, to which yet Mr. Hart appointed certain gentlemen, he and his Secretary thus, not only unwittingly impute here a fraud upon the public to Mr. Hart, but also *falsely* represent the Professor as having participated in that fraud. Mr. Hart's own evidence disposes of the statement.

3. Mr. CAMPBELL stated, that the Professor did *not in any decided manner* mention, that it was necessary, as a condition to his appointment, that he should *be allowed* (!) to continue his researches and discoveries, or that he should have the means of prosecuting them; but that he did refer to those means, necessary to prosecute his studies.

Mr. HART stated, that the Professor mentioned *nothing* about the appliances and means of prosecuting his studies; that he said he was interested in certain kinds of studies; and had he said at all that he *must* have the means of continuing his private researches, that he (Mr. Hart) should certainly not have engaged him.

The PROFESSOR stated, that he called Mr. Hart's special attention to his astronomical researches, which, he would give up, he said, with his life alone; and, unless he were to have ample means and ample leisure at Peking to prosecute and mature those researches and discoveries, that he would on no account think of leaving Europe.

In his letter of January 28, 1867, to Mr. Hart (21), the Professor again insisted on the necessary means for prosecuting his private studies, as one of the least things, to compensate for the sacrifices involved in the acceptance of an invitation to China for the cause of its civilisation, which the Imperial Government could in justice accord to him. In his letter of October 25, 1867, to the Professor (24), Mr. Hart, though in somewhat

occult terms, admits the truth of the Professor's statement. But he had fully confirmed it already in his private letter to the Professor of August 15, 1866 (19, 4), in which he says:—"Of course, years must elapse before any classes of Chinese students would be sufficiently far advanced to understand or appreciate the difference between your views and those entertained by other scientific men...You will have, however, abundant opportunity for ventilating your own views, and for prosecuting researches from which interesting results may be looked for; and I trust that your sojourn in China may prove agreeable to yourself, and useful to the world at large".

4. Mr. CAMPBELL stated: nothing about the Observatory was mentioned in his presence. (Mr. HART stated that, after Mr. Campbell left, nothing occurred, except that he repeated to the Professor what he had previously said).

Mr. HART stated, that he did remember that the word Observatory was used, and that he said it would be built in time, but that he was not certain whether he mentioned anything definite about a library.

A Library is the most indispensable means for prosecuting researches (comp. the preceding article). Mr. Hart admits having from the first promised to the Professor a Library as well as an Observatory and its Direction, in his letter of October 25, 1867 (24, comp. also his letter of October 20, 1869, § 5). He avoids with characteristic care every allusion to the Professor's letter to him of January 28, 1867, in which the erection of the Observatory and the purchase of the Library are insisted on as a *sine quâ non*, and, impliedly, as a condition of the Professor's stay.

5. Mr. HART stated, he told the Professor that THE COLLEGE (namely, of Western Science and Learning) was then in its infancy, but that he "hoped" in after years it would rise to be equal to any University in Europe; but that it being a Chinese institution, the Chinese character would ever distinguish it; and that he "meant", it would be as good as an English University from a Chinese point of view.

Not a word of all this was uttered by Mr. Hart. The Chinese being totally unacquainted with the character and organisation of an English University, what view they could possibly have taken of an institution, which to them was a mere word without a meaning, we know not. But this we do know, that, as a matter of fact, no such "College" as even resembled a University of which Mr. Hart speaks, existed in Peking at the time, either in its infancy or otherwise; that it was the mere unauthorized conception of his own ambitious fancy; and that Mr. Hart's statement has no foundation whatever in truth.

6. Mr. HART stated, he told the Professor about the students of "the College", who had come forward, thus far, that they were mere boys, but that he "hoped" they would in time be succeeded by a better class of men, though it was difficult to say how soon they might do so, owing to the opposition which existed to the institution.

Mr. Hart stated no such thing. There could exist no opposition to an institution, which existed only in his individual hopes and plans, as he virtually himself admits (38 § 5 and Note 15). It is in vain, that he endeavours in an invidious way and by implication to identify the existing T'ung-Wên-Kuan with the projected additional School of Astronomy and Mathematics, and both, with "the College" of his own scheming. The "mere boys", of whom he *pretends* to have spoken, were the pupils of the T'ung-Wên-Kuan, which he never so much as mentioned to any of the Professors, whilst in Europe; the students of the projected additional, and perfectly distinct, School of Astronomy were to be, from the commencement, Chinese scholars of eminence (10); and the Tsung-li Yamên's first Memorial positively disproves Mr. Hart's alleged statement about "the students of the College who had come forward thus far".

7. Mr. HART stated, that the T'ung-Wên-Kuan, of which he spoke to the Professor, was the College established in Peking in 1861, having been since extended; and that he did not tell him of the founding of a new College. He further defined the T'ung-Wên-Kuan as a College for teaching Western Sciences and Languages.

Mr. Hart never mentioned in Europe the T'ung-Wên-Kuan either to the Professor of Astronomy, or to the Professor of Chemistry, or to the Professor of French, as the two latter gentlemen also are prepared to state on oath. The T'ung-Wên-Kuan was at that time *not* a College (or University) with professorial Chairs, but a Primary School of the Tsung-li Yamên for teaching the Russian, French, and English languages (established in 1862), as the Inspector-General *knew* when he stated what he did. No extension of that School was ever contemplated: it was contemplated, *in addition to it*, to establish *another School*,—a School of Astronomy and Mathematics, as proved by the Tsung-li Yamên's own Memorial (10). This projected *additional* School, Mr. Hart, when in Europe, styled the "College for Western Science and Learning". Its idea was never carried out; and it was *because* of its abandonment, that the T'ung-Wên-Kuan, at the period of the trial, had been "extended", inasmuch as an elementary class of mathematics has been formed in it under a *native teacher*. To define a Primary "School of Languages", thus extended, as a "College (in the sense of a University) for teaching Western Sciences and Languages", is simply ridiculous. Nor was the question: what was the T'ung-Wên-Kuan in 1870; but, what was it in 1866, when Mr. Hart fraudulently substituted, in his letters of appointment, the Chinese name of that *existing* Primary School for the *projected* University. His assertion, that he did not tell the Professor of the

founding of a new College is, at the best, a mere equivocation (comp. 7). How positively opposed to truth and the facts of the case Mr. Hart's statement is, his Secretary's letter to the Professor of November 30, 1866 (13, 3) proves to evidence. If "THE COLLEGE" was opened only on the 1st December, 1867, Mr. Hart could not have spoken of it, in August 1866, as an existing institution; nor could he have spoken of it as the *T'ung-Wên-Kuan*, which had been opened ever since 1862; nor could he have spoken of "T'ung-Wên-Kuan", opened in 1862, and "the so-called College", opened only in 1867, possibly be the same identical institution.

77. The motive for the Inspector-General's truly desperate effort to identify the Language-School, established by the Tsung-li Yamén in 1862, with his own University of Western Sciences and Learning,—or Western Sciences and Arts, or Western Sciences and Languages, as he differently defines it at different times, "the *plan* which he, Mr. Hart, had, in 1866, *proposed to himself* to carry out, as being the one *most likely* to give the fullest effect to the Yamén's *wishes*" (38 § 5, and Note 15),—by wilfully misrepresenting the former institution as a University existing in 1866 and having existed since 1862, although "in its infancy", as "a College" possessing professorial Chairs, in short as "THE COLLEGE", for which in 1866, he engaged a staff of Professors in Europe, is as obvious as its object is palpable and to the Inspector-General important. Hence:—

1. Mr. HART stated, that the extension of THE COLLEGE was determined on at the end of 1865; that the Imperial authority to found THE COLLEGE was granted in 1861—1862; that the extension could be made without further authority; and that the Tsung-li Yamén's Memorial of December, 1866, was presented (only), because they ("we", Mr. Hart and the Tsung-li Yamén) desired to invite new pupils to join the new classes of Astronomy and Mathematics.

Every word of his statement is untrue. Let it be remembered, that Mr. Hart, in speaking of "THE COLLEGE", is to be understood as speaking of his own personal "PLAN" for a University or College of Western Science and Learning, which was to be "second to no European University". Such a College was never dreamt of by the Chinese Government either in 1862 or subsequently; and no authority to lay even the first foundations of such a College was ever given by the Emperor. The Emperor's authority to establish the *T'ung-Wên-Kuan* or Primary "SCHOOL OF LANGUAGES and Literature"—a "School", as distinguished from a "College" or any other educational institution of a higher order (6),—was granted, not in 1861 but in June, 1862, for the sole purpose of educating *Interpreters* for the Tsung-li Yamén (6). The "*T'ung-Wên-Kuan*" is not Mr. Hart's

"College" (41, 11). The Tsung-li Yamên's very Memorial of December 11, 1866, states explicitly, that an extension of that School was never intended (10). It disproves of itself Mr. Hart's affirmation that such an extension, had it been contemplated, could have been made without further authority; and we may add, that the actual "organisation" of the "Language-School", such as it is, is not merely irregular but illegal, and rests simply on an unauthorized arrangement of the Tsung-li Yamên. The object of the Memorial of December, 1866, was *not*, as Mr. Hart, cunningly though with ludicrous inconsistency, states, to ask the Emperor's permission "to invite new pupils to join the new classes of Astronomy and Mathematics in the T'ung-Wên-Kuan"; but to establish, *in addition to the T'ung-Wên-Kuan, a new School of Astronomy and Mathematics*, and to invite a superior class of students, altogether different from the lads who attended the T'ung-Wên-Kuan (10, 53, 7), to compete for the privilege of admission to that projected "New School" (10), by certain people styled also "the New University of China".

2. Mr. HART stated, that, in July 1867, about 90 (?) students came forward for examination, of whom about 30 were selected and introduced to the Plaintiff about December 1867.

It is true that, out of those "millions of patient scholars", of whom China is made to boast (4), a few needy men were bribed (11) to join the new classes of French and English, formed in the T'ung-Wên-Kuan on the 1st December, 1867; and it is further true that, on the day in question, the Professor was invited to witness what was falsely termed "the Opening of THE COLLEGE" (13; 27): but it is *not* true, either on that, or any other, occasion a Chinese student, or Chinese students, were ever introduced to the Professor of Astronomy. The manifest object of Mr. Hart's statement is simply to connect the Professor with the students of the T'ung-Wên-Kuan, and, through them, with that School itself.

3. Mr. HART stated, that all his plans with regard to the T'ung-Wên-Kuan, the number of professors for it, and their pay, were all formed before he saw the Plaintiff.

A statement more damaging to himself, the Inspector-General could, having regard to the facts of the case, hardly have made; and when his Counsel, addressing the Jury, submitted to their consideration, that Mr. Hart "arrived in London with a clear scheme in his head with regard to engaging professors for the T'ung-Wên-Kuan", he only pointed out more clearly the true position of the Defendant. That position we have already indicated (55—58). If a doubt could have remained as to the *wilful and designed*

character of Mr. Hart's misrepresentations in London, his own statements and the argument of his Counsel, just adduced, must have dissipated it.

78. Next in importance to the Inspector-General's object in attempting to identify the long-established T'ung-Wên-Kuan with his projected College of Western Science and Learning, was the identification of the Tsung-li Yamên with the Chinese Government, and the demonstration of his position as the foreign superintendent of the Language-School-University, or rather the University-Language-School.

1. Mr. HART stated, that the Tsung-li Yamên is the Chinese Foreign Office, the Board conducting Foreign Affairs; that, in official documents it is called "the Office for the General Regulation of Affairs of the Various Countries," i.e. of foreign countries; that this does not mean any claim to the Government of the World, but only the regulation of Foreign Affairs so far as they are connected with Chinese interests; and that the Members being, most of them, Members of other Yamêns also, possess a certain kind of jurisdiction in Peking, *i.e.* if a Foreign Minister complains of any Chinaman having acted in a way hurtful to foreign interests, it is their business to inquire into the case, and inflict punishment, if deserved, which they can do either through some one on board or directly, they acting, generally, through an executive officer, corresponding to what we would call a *mayor*.

What Mr. Hart's idea of a *mayor* may be, we know not. That the Tsung-li Yamên has occasionally ordered a common Chinaman, who had committed some trifling offence against "foreign interests", *i.e.* the person or property of some foreigner residing in Peking, to be—very lightly—bamboozed, may be true: whether the Yamên, as such, has the *legal* power to do so, we doubt. "A certain kind of jurisdiction" is possessed by the pettiest Chinese official, without exactly constituting him "the Government". We have positively shown, that the Tsung-li Yamên is nothing but a temporary Commission, without any authority of its own, for the General Control of the Affairs of the Individual States or Dependencies, composing the "Chinese Empire" of the World (41, 2). How Mr. Hart could state on oath, as he did, that it is the Chinese "Foreign Office" in the European sense of the term, we are not prepared to explain. Is he really as unfamiliar with Chinese, as he is with Western, state-affairs?

2. Mr. HART deposed, that he is in the service of the Chinese Government, and, as Inspector-General of Chinese Customs, a subordinate official of the Chinese Office for Foreign Affairs—the Tsung-li Yamên; that, in addition, he performed the duties of Superintendent of the foreign Department of the T'ung-Wên-Kuan; that he held his appointment, sanctioned by the Emperor, from the Tsung-li Yamên; and that his official standing is determined by despatches which he holds from the Tsung-li Yamên.

If Mr. Hart is in the service of the Chinese Government,—which we have every reason to believe he is, legally speaking, not (41, 3)—, *i.e.* if, on Mr.

Lay's dismissal in 1863, he was *formally and duly* appointed, by Imperial Rescript, to succeed that gentleman as Inspector-General of Chinese Maritime Customs, he certainly failed, when called upon to produce the necessary proof to that effect, to do so. Without an Imperial Rescript, sanctioning his appointment, Mr. Hart would simply be a foreign *employé* of the Tsung-li Yamên. In China, the Government is the Emperor (53, 1). That the Tsung-li Yamên is neither the Government, nor a Department of the Government, was incidentally admitted in his evidence by the Inspector-General himself, who stated that,

shortly after his return to Peking, a memorial was prepared by the Tsung-li Yamên respecting the College, and its terms were acceded to by the Government.

Whatever despatches he may hold from the Tsung-li Yamên, they can determine his "official standing" only as a servant of the Tsung-li Yamên (53, 5): from the Chinese Government he has never received a despatch, nor held with it any direct communication whatever. In stating that "he *performed* the duties of Superintendent of the foreign department of the T'ung-Wên-Kuan", Mr. Hart endeavoured to convey a false impression by quibbling. There existed no foreign department of the T'ung-Wên-Kuan; nor was he ever appointed to the official position of superintendent of such a non-existing department. He simply acted as a *medium of communication*, professedly between the Chinese Government, really between the Tsung-li Yamên and the Professors, engaged by him for the projected University, and as a paymaster to the latter. This is proved by the fact of the payments to them for salary being made through the Inspectorate-General of Customs (43, Mr. Hart's letter of November 9, 1869), and that, whenever Mr. Hart had to make an official communication to the Professors, he was *in each case specially instructed* to do so (13, Note 3; 43, etc.). He held no official position in connection either with the T'ung-Wên-Kuan or the projected School of Astronomy and Mathematics. Whenever he reported, as he admittedly did, any conversation between himself and the Professors, which he was not by them requested to report, or otherwise reported upon the conduct, movements, etc. of the Professors, to the Chinese Authorities, he *performed*, in doing so, the part—possibly, according to himself, the duties—of a tale-bearer or a spy. In Mr. Hart's evidence, as given on April 14, 1870, there appears no longer a trace of that dazzling nimbus, which the "Agent-General of the Chinese Imperial Government" had cast around himself in his letter to the Professor of October 20, 1869 (40, § 21), and which the protecting arm of his Counsel, Mr. Hannen, still attempted to

hold up before him, like a law-and-justice-petrifying aegis, at the trial March 22, 1870 (66). The arm proved too feeble to support even so feeble a shield; whilst Sir Edmund Hornby's warning, that the identity of the Tsung-li Yamén and the Chinese Government would have to be proved, dispelled the magic of the illusion; and, on April 14, Mr. Hart appeared before the Court in the humble garb of a "subordinate official of the Tsung-li Yamén". True, for the purpose of retaining "a certain kind" of authority over the Professor, he, on this occasion for the first time, assumed the self-conferred extra dignity of "a performer" of the duties of first superintendent of the T'ung-Wên-Kuan: but, on the one hand, we have seen what that dignity has come to, and, on the other hand, the Professor had no connection whatever with the T'ung-Wên-Kuan, except by Mr. Hart's *fraudulent* substitution of its name, for the projected University in his letter of appointment. There existed no official relations whatever, superior and subordinate, on either side, between the Inspector-General and the Professor, despite of the various and occasionally ludicrous (11) efforts of the former to make it *appear* so in his favour. The Professor's appointment having been sanctioned by Imperial Rescript (11, comp. also 10), his independent position in the Chinese service, except as to salary and emoluments, was certainly *not inferior* to that of Mr. Hart.

3. Mr. HART stated that, before leaving China for England, he received verbal instructions from the Ministers of the Tsung-li Yamén about engaging Professors for the College (i.e. the College of Western Science and Learning, projected by Mr. Hart); that, on his return to Peking, the Yamén did not repudiate the authority they had given him; and that, when he reported what he had done, his report was accepted and approved by them.

Mr. Hart perseveres in his futile attempt to identify "the College" despite of its solemnly being "opened" only on the 1st December, 1870, with the T'ung-Wên-Kuan, which had been in operation ever since 1862. Here also, however, he quietly drops his original "Imperial" authority, and considers that (private) verbal instructions from some Member or Members of the Tsung-li Yamén to engage "teachers" for a "Language

Mr. HART (in cross-examination) stated, that, before going to Europe, it being the intention of the Tsung-li Yamén to extend the operations of the T'ung-Wên-Kuan (i.e. the "Language School" established in 1862), he received instructions to engage Professors; that he considered his verbal instructions to be quite sufficient authority for him.

¹ See above (10, Note 6). The Tsung-li Yamén answers here to the household family, wherein a first child is born and named T'ung-Wên-Kuan. Some years later another addition to the family is expected, and intended to be named T'ien-Wên-Sóan-S'üe-Kuan, by Mr. Hart usually styled "the College". It happens to be still-born; and is quietly buried. But, surely, neither its remains, nor, had it lived

School" were quite sufficient authority for him to appoint a "Professor" to the "Chair of Mathematics and Astronomy" in a projected "College", which was to be second to no Western University; to delude a European savant, in the pursuit of researches to which he has devoted his life, with the belief that he, Mr. Hart, has been entrusted by both the Chinese and and English Governments with the foundation of an Institution in Peking, which was to effect the Regeneration of China; and by these and other means, opening to him vast and brilliant prospects of usefulness, to induce him to follow the professing Agent of the Chinese Government to "the Capital of the Great Ching Empire of the World". But, Mr. Hart disregards that verbal instructions from some Member or Members of the Tsung-li Yamên are no instructions from the Yamên, and constitute no authority (53, 4); that the Yamên, having memorialized the Throne for authority only on December 11, 1866, possessed in August, 1866, no authority itself, and could, therefore, transfer no authority to others (53, 3); that his extension-theory, however ingenious, is totally devoid of foundation;¹ that his statement to the effect, that the Imperial authority to found "the College", namely, of Western Science and Learning, was granted in 1861—2, and that "the extension could be made without further authority", is simply untrue; that his "report" of what he had done in Europe, in 1866, was not produced in evidence; that the Tsung-li Yamên's approval of that report, whether true or false, was not the approval of the Chinese Government, in whose name he had engaged the Professor; and, under all circumstances, that, when in August, 1866, he appointed the Plaintiff to the Chair of Mathematics and Astronomy in a projected University,—for which he fraudulently substituted in his letter of appointment the existing T'ung-Wên-Kuan or "Language-School",—Mr. Hart acted without any due or lawful authority, or, properly speaking, *without any authority whatever* (comp. 8). Yet

4. Mr. HART stated, that, after his return to Peking, the Tsung-li Yamên did not repudiate the authority they had given him; that, shortly afterwards, the Memorial of December 11, 1866, was prepared respecting the College, and its terms acceded to by the Government; that he had seen the original; and that the meaning of the clause giving authority, being continuous, is: "has been and is authorized".

the second child itself, could have been, or can, rationally be called "an extension" of the first child T'ung Wên-Kuan. Again, suppose a Ragged School be converted into a University: would any reasonable person think of continuing to "style" the new University—a Ragged School? The T'ung-Wên-Kuan, whether of 1871 or 1862, is no more Mr. Hart's "COLLEGE", than yesterday is to-morrow.

This is another illustration of Mr. Hart's extension-theory. He alludes to the incidental remark, which occurs in the first Memorial (10), to the effect that, "the Yamén having already conferred with Mr. Hart, Inspector-General of Customs, about inviting Western Professors on its behalf, he *be able to attend to it*". Thus Dr. Williams. Mr. Wade's translation is similar. Both these gentlemen had the original text before them. So we.¹ The construction, put by Mr. Hart upon our sentence, can but excite a smile. The very idea of the Yamén, while humbly praying for the Emperor's authority, telling the Emperor that they, the Yamén, had already authorized their foreign servant, and, whatever the Son of Heaven might decide, that he (Mr. Hart) was thus to continue to be authorized by them, is so utterly preposterous as to exclude all comment, and to appear irreconcilable almost with reason.

5. Mr. HART, (re-examined by Mr. Hennen,) stated a second time, the object of presenting the Memorial of the 11th December, 1866, was to obtain students for the new classes of the *T'ung-Wên-Kuan*. (In his cross-examination he had stated to Mr. Rennie, that the extension of the College was determined on at the close of 1865; that the Memorial, asking the Emperor's sanction for the extension, is dated December 11, 1866; that it is not their plan [Mr. Hart and the Tsung-li Yamén's] to do things first and get the Imperial sanction afterwards; that the Imperial authority to found THE COLLEGE was granted in 1861—1862, and the extension could be made without further authority; that the Memorial of December, 1866, was presented because we [Mr. Hart and the Tsung-li Yamén] desired to invite new pupils to join the new classes in Astronomy and Mathematics in the *T'ung-Wên-Kuan*; and that the effect of this Memorial was to excite the hostility of the literary classes against the College).

As Mr. Hart here solemnly reiterates an untruth, on which his extension theory is made to rest, as his defence, on the first count charged against him, is virtually made to rest on that theory: we will once more indicate the proofs of its utter hollowness. We should observe that the Tsung-li Yamén's first Memorial of December 11, 1866 (10), was given in evidence. It was never published, and could therefore have excited no hostility. According to the report of the "North-China Herald", Mr. Hart stated that "the Memorial was presented in February, 1867". This was the Yamén's second Memorial (11), which was not given in evidence.

¹ The whole sentence reads thus: 前與總稅務司赫德議及伊可代為招聘; "Already we have conferred with Inspector-General Hart as to his competency on our behalf to invite [Western men]". The Professors have actually been engaged by Mr. Hart and brought to Peking, before the Imperial sanction was obtained, or even asked for: the Tsung-li Yamén's phraseology is correspondingly vague. It may be taken to signify both, that the Yamén had already conferred with Mr. Hart, as to whether he would be able to procure Professors; —

was the latter Memorial, which led to the opposition of W6a-Jên and his party. Why? Chiefly, because the Imperial consent to the establishment of a new School of Astronomy and Mathematics had been obtained, not through the usual official channel, but *directly* by Prince Kung; because the Imperial Board of Astronomy, possessing the constitutional control of these matters, had not been consulted; because the new establishment contemplated was a private establishment of the Tsung-li Yamên,—a *party*-affair, tending to upset the lawful authority of the Board of Astronomy, and to substitute for it that of an anomalous and temporary Commission; because a *foreigner* was known to have originated the scheme, and to be connected with it; and because that foreigner was the Inspector-General of *Maritime Customs*, to associate whom and which with “the Celestial Science” was, in the eyes of Chinese orthodoxy, an outrage at once against Heaven, tradition, and decorum (12). But, to revert to our argument. Mr. Hart would seem to rest his statement on the first and last paragraphs of the Memorial (10). On reference to the text, however, it will be seen, that even they contain not so much as an allusion either to the T’ung-Wên-Kuan itself, or to an extension of the T’ung-Wên-Kuan, or to new classes to be formed in the T’ung-Wên-Kuan. On the contrary, the Memorial, in the most explicit terms, states that the T’ung-Wên-Kuan or *Language-School*, established in 1862, is to go on as before, and that the Tsung-li Yamên, in 1866, proposes, in addition to it, the establishment of a *School of Astronomy and Mathematics*; that the object of the T’ung-Wên-Kuan is to remain, what it was from the commencement, namely, to educate *Interpreters*, and that the object of the projected School of Astronomy and Mathematics or the T’ien-Wên-Kuan is to educate *Mathematicians*, with a practical view to military engineering, ship-building, and the foreign arts of war and navigation generally; that a Western Professor or Professors for teaching Astronomy and Mathematics were, through Mr. Hart’s instrumentality, to be engaged, not for the existing T’ung-Wên-Kuan, but *for the projected School of Astronomy*; and that, whilst the *lads*, then studying in the T’ung-Wên-Kuan, were to uninterruptedly continue their linguistic studies, Chinese *scholars*

as to the necessary permission to engage Professors to be given to him. The term 可 expresses in its active sense the inherent capacity or ability of a person to do a certain thing; in its passive sense, that a person is permitted to do a certain thing. It never conveys the meaning of *authority*, whether taken in its active or its passive mood. The merest tyro in Chinese could not have put the construction upon our sentence, which Mr. Hart has put upon it, namely, that of its investing him with permanent power or authority; and he must, therefore, be assumed to have *wilfully* misconstrued it.

of more or less eminence were to be invited to study Western Astronomy and Mathematics in the new School, by the Tsung-li Yamén proposed. Nothing can be more plain, than all this. The existing T'ung-Wên-Kuan and the projected "College", at Peking in 1866, were two institutions different, as would be an Islington Ragged School and a Metropolitan University, in London. Moreover, we find that, whilst the T'ung-Wên-Kuan had been in existence since 1862, the late Mr. Burlingame, United States Minister in Peking, in an official despatch of November 1863, proposed the foundation of a "College", similar in its objects to that in 1866 proposed by the Tsung-li Yamén (7); and that, in another despatch, dated the 10th April 1867 (3), he reports to the American Government as follows:—

I am happy to bring to your attention certain Chinese memorials, relative to the establishment of an institution at Peking by the government for instruction in the arts and sciences of the west. As long ago as 1862, the Chinese government established the "Tung-Wan-Kuan", a language school, which invited English, French, and Russian teachers to give instructions in those departments. The pupils, selected from the Manchu banner-men, had been from fourteen years old, have made respectable progress during the past few years. From those instructed in English by Dr. W. A. P. Martin (American) were selected two to accompany Pin Chun to Europe for the purpose of making enquiries respecting western improvements.

While this school is to be continued, the Chinese have wisely determined to establish a higher department or COLLEGE, and to call upon the great scholars of the empire, over twenty years of age, to come forward and compete in the field for the highest honors of the government. To this [College] Mr. Hart, Inspector-general of customs, with whom these progressive views originated, instructed to procure eminent scholars as instructors. He has done this, and the Chinese have now a body of distinguished savans in their service.

What this College was, with Mr. Hart's knowledge and approval, in 1867, represented to the world to be, we have previously seen (4), namely: "The New University of China", securely resting on a liberal charter granted by the young Emperor, and supporting a staff of European Professors, including even a Professor of [Biblical] Hermeneutics, Political Economy, and International Law. Finally, there is the letter, on November 30, 1867, five years subsequently to the opening of the T'ung-Wên-Kuan, by the Inspector-General's Chief Secretary addressed to the Professors, engaged by Mr. Hart in Europe, reading thus:—

Peking, November 30, 1867.

DEAR SIR,—Mr. Hart desires me to inform you, that to-morrow, the 1st of December, being the day appointed for the Opening of the COLLEGE, he has been instructed to request the Professors to be present at the Yamén at 12 o'clock. I am, dear Sir, yours truly,

(Sign:) J. D. CAMPBELL

Under all these circumstances, and in view of all these facts, it appears to us next to impossible to avoid the conclusion, that Mr. Hart, in stating what he did regarding the object of the Tsung-li Yamên's Memorial of December 11, 1866, cannot but have *known* his statement to be untrue.

79. Passing over numerous cases of contradiction, on the part of the Inspector-General and his Secretary, upon points of minor importance relative to the Professor's engagement in London, we arrive at the understanding come to between him and Mr. Hart, about the middle of February, in consequence of the Professor's letter of January 28, 1867 (21).

Mr. HART stated, that he never submitted the Professor's Memorial to the Tsung-li Yamên, nor told him that he had obtained their consent to his propositions; (cross-examined,) that, at the beginning of 1867, he told the Professor that, if the College succeeded, "we" would have an Observatory; that, in May or June 1867, he did not relieve the Professor from the Chair of Mathematics; that, in 1867, Dr. J. applied for a professorship; that, *it being Mr. Hart's intention to give him the Chair of Natural Philosophy, with a certain amount of Mathematics*, the result was that Dr. J. treated his private answer as an official appointment, and arrived at Tientsin in October or November, 1868, . . . when no more Professors were needed for the College.

The PROFESSOR stated that, in reply to his memorandum of January 28, 1867, (which he expected Mr. Hart to submit, and Mr. Hart gave him to understand, had by him been submitted, to the Chinese Government), the Inspector-General sent for the Professor to his office, and "officially" informed him, in the name of the Imperial Government, that it had accepted the Professor's propositions; that a New Observatory was to be erected in accordance with his plan, and a Library to be purchased; that he was appointed Director of the New Observatory; and, further, that he was relieved of the Chair of Mathematics in the projected College, that another gentleman had already been appointed in his place, and that his own duties were to be restricted to the New Observatory.

Mr. Hart's statement is partly a bare equivocation; partly at positive variance with the facts of the case. He was never expected to submit the Professor's Memorial to the Tsung-li Yamên, but to the Chinese Government; and it was in the name of the Chinese Government, not, as he truly states, in that of the Tsung-li Yamên, and about the middle of February, not, as he once more truly states, in May or June, 1867, that he "officially" informed the Professor of the full consent of the Chinese Government to his propositions. That consent was announced to the Professor *unconditionally*. At the same time he was relieved of the Chair of Mathematics. Its newly appointed occupant, Dr. J., arrived at Tientsin, not in October or November, but in the summer of 1868; and *already early in the spring of that year* a residence in Peking had been placed in readiness for him (20, 31),—at a time, when no such residence had as yet been offered to the Professor of Astronomy. The statement of the latter is fully, and in

every particular, confirmed by Mr. Hart's letter to him of October 1867 (24). In London nothing *definite* had been arranged about the Observatory and a Library. They were promised to the Professor on general terms. In his letter of October 25, 1867, Mr. Hart refers to the construction of the Observatory and the formation of the Library as having been positively agreed upon; whilst his silence regarding the Chair of Mathematics, in a document which discusses the whole of the Professor's relations with the Chinese Government, indicates that the latter had been relieved of that Chair. This positive agreement, therefore, must have come to at some time between the Professor's engagement in August, 1867, and the date of Mr. Hart's letter of October, 1867. Now, during this interval, the Professor's Memorial of January 28, 1867, through Mr. Hart submitting to the Chinese Government and involving the very proposition here under consideration, was written. Hence, it is certain that, in the name of the Chinese Government also, they were agreed to by Mr. Hart in answer to that Memorial, and, as the Professor states, about the middle of February, 1867. Further conclusive proofs have already been adduced (20, 21, and Notes). Unquestionably, therefore, at the period named, the Professor was relieved of his duties connected with the Chair of Mathematics in the projected College of Western Science and Learning, to which he had been originally nominated, and his future duties were restricted to the Direction of the projected New Observatory, and the Professorship of Astronomy, associated with it. Apart from Mr. Hart's quibbling and equivocating, this is virtually admitted by him. And how, moreover, did it happen that, on so essential a point, he failed to produce his Journal "kept from day to day"?

¹ We have already in the preceding article furnished the proof, that the Professor, in February 1867, was positively relieved of the Chair of Mathematics, in the name of the Chinese Government, by the Inspector-General.

² To all appearance, Mr. Hart alludes here to the conversation, which the Professor had with him during the visit of the late Captain Hookley R.N., and for an account of which the reader is referred to art. 31, above. Mr. Hart is not particular as to his statements. In his letter of October 20, 1869 (§ 12) he made the Professor to say, that a low salary was a *degradation* to a man of his learning (40); here, on oath, he makes him to say the palpable absurdity that, to be called on to discharge the honorable duties of a professorial Chair, which he had accepted in "the New University of China", was to a man of his learning an *indignity*. How the Inspector-General can have "expected" a single reasonable person to believe him, is to me a riddle.

³ For the true account of what passed on this occasion, see above art. 33. The conversation was identical with the one, which Mr. Hart states to have taken place on the 6th of June. There was no question of passage money and a year's salary.

80. We now come to what Mr. Hannen designates as the important conversation between Mr. Hart and the Professor on the 11th of June, 1868. Its incidents have been faithfully related above (33 comp. 31 and 32), and Mr. Hart's version of October 20, 1869, of what he alleges to have occurred, shown to be untrue (40 § 13). His narration on oath was to this effect:—

Mr. HART stated that, in the spring of 1868 he had some further conversations with the Professor, and, after having previously told him that, if the College should succeed, he would relieve him of the Chair of Mathematics,¹ but (in cross-examination :) that in his letter to the Professor of October 25, 1867, he made no mention of mathematics; that, in May, 1868, seeing it would be necessary to introduce changes very slowly, he told the Professor, he could not relieve him from the Mathematical Chair, and requested him also to continue the study of Chinese; that the Professor protested against being called on to teach mathematics, said it was an indignity to a man of his learning to be called on to do so, and positively refused;² that, a few day afterwards, the Professor asked him: "Do you wish me to leave China"? to which he replied: "No; you can take your own course; but, if you do leave, the utmost I can do for you, is to get you your passage money and a year's pay";³ that, on the 6th of June, 1868, the Professor came to him, with tears in his eyes⁴ and said, a passage home and £600⁵ was too little, he hoped (Mr. Hart) would not treat him unjustly, and he would throw himself on his hands; but that Mr. Hart said, this state of uncertainty must come to an end, and that he should expect an answer before the 15th of that month, repeating that the utmost he could do was what he had offered.

[Mr. Hannen here requested the Court to allow Defendant to refer to his private Journal for the entries on the 11th June, to refreshen his memory. He would not object to *Mr. Rennie and the Court* looking over the notes of that day, but not over the notes of any other date. Such a practice as witnesses referring to their Journals, was usual at home. The Court, i.e. Mr. Goodwin, allowed the permission. We shall presently revert to the subject.]

Mr. HART then proceeded to state, that the Professor came across to his room on the 11th June, and said he had devoted his life to certain studies, and had made up his mind to go away, and as he had starved once for science he would starve for it again;⁶ that he had asked whether he might stay till September;⁷ that Mr. Hart had some doubt whether he should be justified in granting his request, but eventually acceded to it;⁸ that he then thought, but

What Mr. Hart incorrectly relates as having occurred on the 6th and the 15th of June, took place, in a different form, on the latter day, as distinctly stated by him also in his letter of October 20, 1869 (p. 685). Mr. Hart's memory and Journal are equally at fault.

⁴ We wonder, whether the Professor's "tears" existed only in the Inspector-General's own lachrymose imagination, or whether they are preserved in his handwriting also.

⁵ No sum was mentioned by Mr. Hart; he spoke only of the offer of a year's salary and passage-money home. See the narrative (31).

⁶ This would have been a strange announcement, indeed. We should have thought, that Mr. Hart might have known by the time here in question, that the Professor is not quite so anxious to undergo martyrdom, as he would have him appear to be.

⁷ See above, art. 35, note 2 to Mr. Hart's letter of October 15, 1868, p. 666.

⁸ Of course, it is impossible to say what or what not Mr. Hart's mental doubts may have been on the subject of a request, which was never made.

did not speak of the propriety of continuing his name any longer on the list of professors, and as to what date his salary should be paid to ;¹ that, on leaving, the Professor charged him with being ungenerous, which he denied, observing that it was a simple matter of contract, he having agreed to do certain work for certain pay, and if he (the Professor) continued to work, he (Mr. Hart) would continue to issue his pay ;² that, on parting, he understood certainly, that the Professor was giving up his position in the T'ung-Wên-Kuan, and would take the compensation ;³ and, though he still thought that he (Mr. Hart) was treating him unjustly and ungenerously, there was no doubt as to the understanding that the Professor made arrangements for leaving, sold his furniture, and he went to the hills (near Peking).⁵

Mr. CAMPBELL stated, that the Professor came across to his room, and said that he was going home ; that Mr. Hart had not treated him well ; that he had accepted the alternative, viz. a year's pay and a passage home ; and intended leaving after Sept., 1868.

Mr. HART stated, that the Professor, keeping the money (sent to him by Mr. Wieters in the following month) after his (Mr. Hart's) explanation, led him to believe, that he (the Professor) had accepted the alternative of going home, and taken the compensation.

The PROFESSOR stated, that [on the 6th of June] Mr. Hart, in answer to a suggestion of his, said he better *had* return to Europe, and that he expressed his readiness to do so at once, provided they could agree as to the terms of compensation ; that he finally left Mr. Hart the alternative of carrying out his engagements, or to obtain for him a fair and just compensation ; that, a few days subsequently [on the 11th June], Mr. Hart came to his rooms to inform him, that the only compensation he had to offer, was a year's salary and passage-money home ; that he asked Mr. Hart, whether he felt no scruples of conscience in offering him such grievous injustice ? that he proposed arbitration, which Mr. Hart declined ; that he then proposed to communicate directly with the Chinese Government, which, Mr. Hart threatened, the Professor might take upon as tantamount to his dismissal ; that the latter thereupon considered it high time to place his relations with Mr. Hart on a legal footing ; and that after Mr. Hart had abruptly left and given him some days to consider his offer, the Professor followed him in a few minutes to his office, and told him that he was determined under all circumstances to return to Europe ; that, as he had starved for Science before, he was willing, *if need be*, to starve for Science again ; but, that he had also duties to perform towards Science and himself, and that he was equally determined to perform those duties ; finally, that two or three days afterwards he intimated to Mr. Hart that, unless they came to terms by (the Professor) would be under the necessity of having recourse to legal proceedings against him.

¹ What, perhaps, is most surprising in this, is that Mr. Hart should have been permitted by the Court to give his alleged inward cogitations, to which he himself states he gave no utterance, in evidence. His memory would appear to be as strong regarding fancies, as it is weak regarding facts.

² Not a syllable of this was said by Mr. Hart at the interview. Otherwise, it would have shown that, considering that the Professor had no duties to perform, Mr. Hart offered to him, *on leaving*, that, if he consented to continue to do nothing, Mr. Hart was quite willing—at the expense of the Chinese Government—to continue to pay him at the rate of £600 a year, for such "work".

³ How, under the circumstances, just alluded to, Mr. Hart, *on parting*, could have certainly understood, that the Professor was giving up his position in the T'ung-Wên-Kuan,—with which School he had no connection, and which had never been so much as mentioned in the whole course of the conversation,—and would take the

We have commented upon the details of Mr. Hart's statement in the foot-notes, to which the reader is referred, and will add a few remarks of a more general character. In the first place, we would call attention to the discrepancies between that statement and Mr. Hart's letter to the Professor of October 20, 1869 (38—40). In his letter (§ 13) he correctly refers the alleged occurrences on the 6th and 11th June, respectively, to their proper date; in his oral statement he makes a complete chronological muddle of his narrative, and, strange to say, would seem to have entered, *in his Journal*, the principal part of his version of the conversation on the 11th, under date of June 6th; and the concluding portion only under the proper date of June 11th. In his letter (§ 15) Mr. Hart, in the most positive terms asserts, that the Professor had undertaken to teach Mathematics and to study Chinese; that he had in June, 1868, positively refused to perform this part of his contract; that Mr. Hart had thereupon given him the choice between recalling that refusal and carrying out his contract; or withdrawing from his appointment and receiving as an allowance a year's pay and a passage home (comp. 35 and note 9); that he had again reiterated his refusal to teach Mathematics and elected to throw up his appointment; and that he had, beyond all denial resigned his appointment in the T'ung-Wên-Kuan on the 11th of June, 1868. In his oral statement, supported by his written Journal under the date in question, we hear a good deal of unuttered mental cogitations on Mr. Hart's part, which are new, but nothing more of the Professor's resignation, nor of his having engaged to study Chinese; Mr. Hart's offer of "having the Professor forwarded to Marseilles or Southampton" assumes the form of "passage-money home"; the Professor is admitted to have only stated, that he "had made up his mind" to go away; Mr. Hart had but, understood him, that he *was going to give up* his position in the T'ung-Wên-Kuan and would take the com-

compensation,—the amount of which had not even been named,—appears to us somewhat difficult to comprehend.

⁴ This is positively contradicted by the following statement, that Mr. Hart was only *four months later led to believe* the Professor had decided on going home, because he kept money, lawfully his own.

⁵ The Professor had, certainly, "made up his mind to return to Europe", as he told everyone,—but not until he should have come to a satisfactory arrangement with the Chinese Government, *an indispensable preliminary to which was the legal settlement of his differences with Mr. Hart*. A previous resignation of his position in the Imperial service never occurred to him. He sold his furniture, because he then intended to leave for Shanghai in the autumn of 1868, and, his case being plain, anticipated a solution, which might not have necessitated his return to Peking, unless for a very short time.

pensation; nay, we now learn from Mr. Hart's own lips, on oath, that *was only four months later he was led to believe that the Professor had determined to go home, and to accept his offer of compensation; and that, consequently, he (Mr. Hart) knew both his reiterated assertions to the effect that the Professor had on the 11th June, 1868, resigned his position in Chinese Imperial service, and the grounds, on which the Inspector-General refused to pay to the Professor salary due to him by the Chinese Government, to be simply false.*

81. Now, the real questions at issue, namely: Did the Professor, on June 11th, 1868, resign the appointment held by him under the Chinese Government? Did he, on that—or any other—day, refuse to perform any of the engagements he was under towards the Chinese Government? and Could Mr. Hart, at the time under consideration, possibly be, and was he under the real impression, that the Professor had both refused to discharge his proper duties, and to have given in his resignation? are easily answered. As to the first point: Mr. Hart overlooks or wilfully disregards the fact that he held no official position whatever in the projected School of Astronomy and Mathematics, or the so-called "College"; that, although he had had but a most informal commission to engage the Professor for that School, the engagement was sanctioned by Imperial Rescript (11 comp. 10), whereby the Professor entered the service of the Chinese Government, and could leave it again, by mutual agreement, with the consent of the Imperial Government only; that he (Mr. Hart) is not the Chinese Government, but that he simply acted as a *medium of communication* between the Government and the Professor; and that the T'ung-Wên-Kuan is not "THE COLLEGE", for which he was engaged by Mr. Hart. The Professor, quite independently of the new agreement of February, 1867, which restricted his engagement to the projected Observatory, had no connection whatsoever with the T'ung-Wên-Kuan or "Language-School" established in 1863, except through its *fraudulent* substitution for the projected "College of Western Science and Learning" or "School of Astronomy and Mathematics" in his letter of appointment, of August, 1866, by the Inspector-General; he has, ever since he heard of the existence of the T'ung-Wên-Kuan as a Language-School in Peking, resisted all attempts and persuasions, and defeated all artifices and tricks, employed to lawfully or legally connect him with that institution; the new "College" or "Chinese University", which was professedly opened on the 1st December, 1867, could not possibly be the old T'ung-Wên-Kuan; and when Mr. Hart, therefore, asserts, at first that

the Professor, on June 11, 1868, had positively resigned his position, now, that he had understood him to be going to give up that position, *in the T'ung-Wên-Kuan*: his own words prove the assertion to be untrue. The Professor has, throughout his correspondence with the Inspector-General, consistently maintained his immediate relations with, and subordination to, the Imperial Government as Professor of Astronomy in the projected University, and Director of the projected Observatory (36, 37, etc.), and never acknowledged Mr. Hart in any other capacity, save that of a medium of communication between the Chinese Government and himself. Nor *did* Mr. Hart, in regard to the Professor, duly recognized by Imperial Rescript and the Tsung-li Yamén, at any time hold any other position. The Imperial authority, which he is so prone to arrogate to himself, is just an act of empty arrogation on his part. Nothing more. He would have lacked the power to accept the Professor's resignation, even had it been tendered to him, which it was not. The Professor never requested or authorized Mr. Hart to submit, in any form whatever, to the Imperial Government their conversation on the 11th June, 1868; and Mr. Hart has never even asserted this. The conversation in question therefore, was a *private conversation between Mr. Hart and the Professor*, which the Inspector-General could communicate to the Tsung-li Yamén only in the character of a gossip or a tale-bearer. Hence, it is clear that the Professor, on June 11, 1868, did *not* resign his position in the service of the Chinese Imperial Government, for the following reasons, *viz.*, because no such resignation was either directly or indirectly by him tendered to, or accepted by, the Imperial Government; because no person has maintained, that he ever did resign the position held by him under the Imperial Government, namely, that of Professor of Astronomy in the projected University or "School of Astronomy and Mathematics", and Director of the projected Observatory; because, in the existing *T'ung-Wên-Kuan* or "Language-School", in which Mr. Hart did assert him to have resigned his position, he never legitimately held a position; because Mr. Hart, in his despatch to the Tsung-li Yamén of September 22, 1869, (45) himself stated that, in June, 1868, a return of the Professor to Europe and his prospective resignation had, [in a private conversation], only been talked about between him and the Professor; and because Mr. Hart subsequently admitted on oath, that not only had he, on June 11, 1868, merely *understood* that the Professor was going to give up his position in the *T'ung-Wên-Kuan*, (with which he had no connection), but that, still four months later, he was only *led to believe* that the Professor had finally decided

on returning home. The Professor, seeing how grossly he had been deceived by Mr. Hart, and how systematically the Inspector-General severed in his course of deception; remembering Count de Bellone's saying, that the Professors were only for a given time and for a political purpose to figure, as so many sticks, on their respective Chairs, in order to be dismissed after that purpose should be accomplished; and learning that deed, the idea of a College, if ever it had been seriously entertained by Tsung-li Yamên, had, on the part of the Imperial Government, long been dismissed: he, certainly, had made up his mind to return to Europe under all circumstances; but never did he think of resigning his post and his just rights until he should have submitted his case to, and obtained a fair settlement with, the Chinese Government. As a preliminary step to this end, the necessity had been imposed on him by Mr. Hart to revise his relations with the professing Agent of the Imperial Government on a legal footing; which he could do only by an appeal to the Supreme Court at Shanghai. He had, therefore, to leave Peking for some time at a distance, and for this reason, and partly because Mr. Hart demanded possession of his rooms in Crooked-Railing-Lane Court, whilst the house, offered to him, was uninhabitable (32), partly because he anticipated that he would have to return to the Capital, if at all, for a very short while only, he had his furniture sold, and took up his abode in a Temple at the Western Hill. Here he received both important information and legal advice, which induced him to postpone for a season his intended departure for Shanghai, and he, consequently, refurnished a set of apartments at the house of his friend. Had the Professor left Peking, according to his first intention, that period, he would, the same as he did a year later, have in writing requested Mr. Hart, as the only medium of communication between him and the Imperial Government, duly to inform the latter of the occasion for, and the object of, his temporary absence from the Capital.

82. The answer to our second question is equally plain and conclusive:—The Professor did at no time refuse to perform any of the engagements he was under towards the Chinese Government. Those engagements consisted originally in his delivering, in the English language, courses of lectures on Astronomy and Mathematics in a projected College of Western Science and Learning at Peking. We have positively shown that in February, 1867, Mr. Hart, in the name of the Chinese Government, relieved the Professor of the Mathematical part of his duties and, instead, charged him with the Direction of the projected Observatory. As the Inspector

General asserts, that "the said Imperial Government have never disavowed his acts nor denied the accuracy or truth of any representations made by him" (66), we will, whatever we may think of the assertion generally, take the Inspector-General here at his word. At any rate, it is a simple fact that neither the projected University nor the projected Observatory ever had an existence; consequently, the Professor had never any active duties to discharge, and, therefore, cannot possibly have refused to discharge any such duties, and to perform any of his engagements. Nay, as a matter of fact, he has never been called upon to do so. Mr. Hart himself, in his letter to the Professor of October 20, 1869 (40, § 19) testifies to this fact, in the most explicit terms, thus: "You agreed to serve for a fixed salary, and, while *you were neither asked to perform any extra work, nor even called on to enter upon the active duties of your appointment*, that salary was paid to you punctually". This settles our question. Certainly, in defiance of his own words, Mr. Hart

considered that the Professor broke his engagement by refusing to teach Mathematics, since, *though it be true that there were no students to teach*, he said he would not teach Mathematics, suppose there had been, and *that he considered equivalent to an absolute refusal*; besides which, the Professor's services were likely to be wanted when he left, as Dr. Martin was preparing to give him a class in a few days, of the present pupils of the Chinese Professor of Mathematics in the Tung-Wên-Kuan.

But Mr. Hart's views are frequently of a very oblique order, and his statements, though made on oath, remarkably one-sided and unreliable. He finds it convenient not to remember, that, in the name of the Imperial Government, he had relieved the Professor of the Chair of Mathematics and nominated another gentleman in his place, and that the latter was succeeded by a *native* teacher, appointed by the Tsung-li Yamên itself; that the Professor refused, not to perform any part of his engagements, but, as was *proposed* to him by Mr. Hart, to *re-accept* the Chair of Mathematics, of which he had been "officially" relieved by the Inspector-General; and that this happened in a *private conversation with Mr. Hart*, who had no authority whatsoever to make to him the proposition in question; he still finds it, apparently, difficult to divest himself of the almost fixed idea, that he, Mr. Hart, is the impersonification of the Chinese Government, instead of being a customs-official of the Tsung-li Yamên; he overlooks that, even had the Professor been at any time called upon—which he was not—to teach Mathematics in the Tung-Wên-Kuan, he would have been fully justified in refusing to do so, considering that he had no legitimate connection whatever with that "Language-School", any more than with such a person as "Dr.

Martin, preparing to give him a class of pupils of the Chinese professor and finally Mr. Hart affects to ignore, that his entire charge against the Professor as to his refusing to perform his engagements was invented by him, and not invented by him till some *fifteen or sixteen months* after. It is simply untrue, moreover, that a class, formed of the pupils of the Chinese teacher of Mathematics in the T'ung-Wên-Kuan, was ever prepared for the Professor; because, in the first place Dr. Martin knew the Professor "had no connection whatever" with the T'ung-Wên-Kuan (44, 46), and, in the second place, the pupils in question had, if at all, an imperfect knowledge of English, as to render it utterly out of the question for them to follow an English course of lectures on Mathematics (p. 64). Our third question thus answers itself.

83. As to Mr. Campbell's statement, we have seen it to be at variance with Mr. Hart's statement: but it is in literal accordance with Mr. Hart's letter to the Professor of October 20, 1869, § 13. Mr. Campbell was not present at the conversation between the Inspector-General and the Professor here in question; but the Inspector-General writes to the Professor: "Mr. Campbell was then still in Peking, and *will doubtless* have had that an understanding, to the effect just stated, had been arrived at between you and me". Mr. Campbell did not disappoint the Inspector-General's expectations. He "recollected".

The understanding, alluded to by Mr. HART, was at that time by him asserted to be this:—

1stly, that the Professor, thinking that Mr. Hart was neither generous nor just, had accepted the alternative of throwing up his appointment in the T'ung-Wên-Kuan.

2ndly, that an allowance of one year's pay would be issued to, and a passage home provided for him;

3rdly, that he was to retain his appointment to the end of Sept. (1868).

Mr. CAMPBELL stated, that the Professor had come across to his room and told him:—

1stly, that the Professor, considering that Mr. Hart had not treated him well, had accepted the alternative of throwing up his appointment in the T'ung-Wên-Kuan.

2ndly, that he was to receive an allowance of one year's salary and a passage home;

3rdly, that he was going to leave (for Europe) after September, 1868.

Now, in his oral statement on oath, which Mr. Campbell had not been permitted to listen to, Mr. Hart essentially modified or revoked his epistolary assertions. He acknowledged, as we have seen, that it was not in October, 1868, he was led to believe, and only *led to believe*, i.e. he inferred from a certain circumstance, by no means from the Professor's own words, that the latter had—which he had not—accepted his offer or, as he also termed it "the alternative", although there was no alternative in question. He quietly dropped his "passage home" to be provided for the Professor's

Southampton or Marseilles (comp. 35, note 9),—together with his instructions to the Commissioners of Customs in Tientsin and Shanghai, whose testimony he judged it prudent not to invoke,—and substituted for it his offer of “passage-money home”,—an offer, which he *did* make; and, finally, he admitted that the Professor’s return to Europe was only talked about between them. Indeed, Mr. Hart’s alleged intention to control the Professor’s movements in China, more especially after his “withdrawal from the T’ung-Wên-Kuan”, would have been a piece of foolish and ludicrous arrogance, such as we hesitate to seriously impute even to Mr. Hart’s imperialistic aspirations: it was simply the impulse of his paltry *spite*, which led him to commit to writing the untruth under consideration. It is manifest, therefore, that his Chief Secretary had, in this instance also, studied Mr. Hart’s letter to the Professor of October 20, 1869, and unhesitatingly swore, that the false statements contained in that letter and here referred to, were by the Professor himself told to him, Mr. James Duncan Campbell. Mr. Hart’s Secretary left for England in July, 1868, and vainly endeavoured to persuade the Professor to accompany him (33). The latter, who had altogether ceased to trust Mr. Campbell, told him no more than he did to others, namely, that he was determined to return to Europe; what offers Mr. Hart had made to him; etc. Respecting his intention to take legal proceedings, besides intimating it to Mr. Hart himself, he spoke only to one or two of the Foreign Ministers, and a friend, who at that time acted as his legal adviser. He saw no occasion to inform all the world of his plans and, certainly, was unwilling to publicly commit himself to the course referred to, because, not to mention other reasons, on the one hand, he wished first to assure himself of the exact state of the Law upon certain points, and, on the other hand, he continued to hope that, after all, legal measures would be rendered unnecessary by an amicable arrangement. That, under those circumstances, his preparations for leaving Peking may have given rise to an *impression* or led to the *inference* on the part of some people, that such an arrangement had actually been come to between Mr. Hart and the Professor, is quite possible: but we need hardly say, that general impressions and inferences are by no means infallible; and in the present case, if they did exist, they certainly were devoid of all real foundation, as we have shown, and will be further seen, from Mr. Hart’s own testimony.

84. This leaves us only to consider, whether the Professor, as Mr. Hart would seem to imply, did compromise his position, by accepting and

retaining the *bonus*, transmitted to him by the Inspector-General's Secretary Mr. Wieters, in October, 1868.

Mr. HART stated that, on the Professor's return he said to Mr. Wieters will you ascertain from him, in which way he would like to have his money that Mr. Wieters did so; that Mr. Hart signed a cheque, and that the money was paid; that, after the money was paid, the Professor wrote in a facetious way,² saying he was glad Mr. Hart was coming to a more just appreciation of his services;³ that Mr. Hart was amazed;⁴ that he explained in a very clear way;⁵ that the Professor replied shortly;⁶ that his, Mr. Hart's impression was, he was keeping the money with the intent to go away, in which case that his keeping the money after his explanation led him to believe he had accepted the alternative of going home, and taken the compensation.

This statement contains several inaccuracies and matters at variance with the truth, as pointed out by us in the foot-notes. The Professor's remark that, on his return to Peking from the hills, a mutual friend, Mr. Hart's and his, who was in almost daily communication with him, had intimated to the Professor his impression that, if we would reduce his salary for salary to £1200 a year, an understanding might be effected; whilst the Professor was of opinion that £1500 a year ought to be the lowest sum to be thought of. It was thereupon, he received from Mr. Hart's Agent, Secretary his note of October 6, 1868 (34), in which, without so much as an allusion to the Professor's alleged resignation, he asks, on the ordinary occasion of his closing the accounts of the *past quarter*, in what shape the Professor would wish to receive the balance of his salary *for that quarter* together with an annual bonus, or the past year's bonus—the Professor's engagement dating from the middle of September. *No amount is named, not a word is said of passage-money, not a syllable of compensation or a "retiring allowance"*, and which, moreover, no reasonable person, being master of his own language, would have thought of styling an "annual *bonus*" or "the (past) year's *bonus*". A *bonus*, applied to salary, is simply *additional* or *over* salary. The term absolutely bears no other meaning.⁷ Thus, we read in the "London and China Express" for July 7, 1871, these two notices:—

¹ That this is, to say the least, incorrect, appears to evidence from the fact, that Mr. Wieters could not possibly have known, what the Inspector-General meant by "his money"; and that he did *not* inquire of the Professor, in which way he would like to have "his money" (34 and note 1). In his letter to the Professor of October 20, 1869 (40 §14), Mr. Hart says, Mr. Wieters wrote to inquire, how he would like "his special allowance" which is equally incorrect. It would appear to have been as difficult to Mr. Hart, as it naturally is for a Chinaman, to state the exact truth. What Mr. Wieters did write, will be seen on reference to his letter (34 and note 1).

² Mr. Hart's notions of facetiousness are as unfacetious, as can well be imagined (comp. 34).

³ This is untrue. See the Professor's letter of October 8, 1868, (34).

⁴ The peculiar form, which Mr. Hart's alleged "amazement" (comp. below) is

"The Directors of the London and Westminster Bank have resolved to declare at the ensuing general meeting a dividend and *bonus* of 9 per cent. for the half-year ended the 30th of June last. The dividend to be declared by the Union Bank of London, at their meeting on the 12th instant, will be at the usual rate of 15 per cent. per annum, with a *bonus* of $2\frac{1}{2}$ per cent. on the paid-up capital, making together ($7\frac{1}{2}$ and $2\frac{1}{2}$ =) 10 per cent. for the last half-year". As here, applied to a half-yearly dividend, a *bonus* is additional half-yearly dividend: so, applied to a yearly salary, it is additional yearly salary. Now, such additional salary, as due or payable to the Professor, was offered to him by Mr. Hart *unsolicited and of his own free accord*, and with the knowledge on his part, that the Professor had constantly claimed a salary of £2000 a year, refused to give receipts for all sums paid to him, at the rate of £600 a year, except as sums paid to him on account of salary due, and consistently maintained that the amount of salary had in London been left an open question between them (73, 5). On the one hand, therefore, the Professor, under the circumstances alluded to, might not unreasonably infer from the letter of Mr. Wieters, that Mr. Hart intended to propose to him an increase of salary; on the other hand, having come to know the Inspector-General, he had equal reason to suspect, that nothing but a snare was being laid for him. The Professor, consequently, answered the note of Mr. Hart's Secretary in guarded terms (34); and when, in reply, a sum of money including a balance of salary at the rate of £600 a year and a *bonus* of the same amount was sent to him *under blank cover*, and again without one single word of explanation, he naturally wrote to Mr. Hart to inquire whether he might look on the bonus as an *annual*, i.e. not as an exceptional, but as a regular, addition to his yearly salary (34). *It was only thereupon* that Mr. Hart, feeling sure of *having entrapped* the Professor, "explained" to him, *on false grounds*, since admitted to be so, and in insulting language, that he had *meant* the bonus to be a retiring-allowance;

summed in his letter of October 15, 1868, will be duly appreciated on a comparison of that letter, abounding in admitted untruths, with his subsequent deposition on oath.

⁵ The only thing clear in his explanation, which should have preceded or accompanied, not followed, Mr. Wieter's note, are the untruths it contains.

⁶ The Professor did answer Mr. Hart's letter of October 15, 1868, "shortly", by notifying to him, that "he could not, and did not, accept any one of the propositions and statements contained in it; the former being unwarranted and inadmissible, the latter at variance with the facts of the case and with truth" (35). Mr. Hart omits to explain this.

⁷ In Dr. Webster's Dictionary of the English Language the term *bonus* is defined as "an extra dividend", and "a sum of money paid in addition to a share in profits, or to a stated compensation by the year, month, &c".

and, glorying in his apparent success, that "it simply remained for him to inform the Professor, that the Commissioners of Customs at Tientsin and Shanghai would be instructed to forward him, on arrival at those ports, on his homeward journey, and provide him with a passage by the Ocean route to either Southampton or Marseilles" (35 and Note 9). The Professor "replied shortly"; and how Mr. Hart, in the face of his clear and immediate protest to the effect, that "he could not, and did not, accept any one of the propositions and statements contained in his (Mr. Hart's) letter, the former being unwarranted and inadmissible, the latter at variance with the facts of the case and with truth", was able to declare on oath that "the Professor keeping the money after his (Mr. Hart's) explanation to him to believe, he (the Professor) had accepted the alternative of going home and taken the compensation", it is beyond our power to explain or comprehend.

85. We shall now be able to return a satisfactory answer to the question. In the month of June, 1868, two *private* conversations take place between Mr. Hart and the Professor, in which the return of the latter to Europe is talked about, and an offer of compensation in very general terms made by Mr. Hart, but not accepted by the Professor, who, on the contrary, proposes arbitration, which is refused, and thereupon, whilst expressing his determination to return to Europe under any circumstances and in accordance with Mr. Hart's own view, informs him that, unless terms are agreed upon, the Professor will be under the necessity of having first recourse to legal proceedings. *No understanding is come to*, as admitted in evidence by Mr. Hart himself. Mr. Hart demands the temporary students' quarters at the Customs, until then occupied by the Professor, and the Professor declining to live in an uninhabitable house, offered to him by Mr. Hart, disposes of his furniture, passes a month or two at the hills, and, on returning to Peking, takes up his abode at the residence of a friend. His balance of salary, payable through the Inspector-General, remains due to him by the Chinese Government, at the rate of about £2000 a year according to the Professor, at the rate of £600 a year according to Mr. Hart. There is held out to the Professor, indirectly, some apparent prospect of an arrangement on this point. *He makes no application for money to the Inspector-General.* The Inspector-General, through his Acting Chief Secretary, of his own accord, offers to the Professor the payment of the balance of his last quarter's salary, together with an annual bonus, no sum being mentioned. The Professor expresses his willingness to receive "any sum

of money, which Mr. Hart may instruct his Secretary to pay to him". A sum of Taels 2500 is thereupon remitted to the Professor, being his balance of salary at Mr. Hart's rate of £600 a year, and a *bonus* or additional salary of £600. *He simply accepts this bonus of £600, thus offered to him, as such,* and without prejudice to his claims for a higher salary. And that he had the most perfect moral and legal right not only to accept, but also to retain the bonus, paid to him, *as such*, even after Mr. Hart pretended, that he had *meant* to offer, and the Professor to accept, it as a retiring-allowance, is clear, and appears to us indisputable. For, in the first place, the money was sent to the Professor simply, unconditionally, and legitimately as *additional salary due to him*, the only point left uncertain being, whether it meant a *continuous* increase of the Professor's salary to £1200 a year or not; and, *as additional salary due to him* he *bond fide* accepted it. So far the transaction was closed. It could not be recalled or cancelled, either in law or equity, by any amount of *subsequent* "explanation". In the second place, the amount in question formed but a portion of a much larger sum, which the Professor claimed as due to him for salary in law, justice, and equity, and which he believed, and has satisfactorily shown to be so due to him. And in the third place, Mr. Hart himself has since fully concurred, through his Chief Secretary Mr. Campbell, in the Professor's view of the case, and *acknowledged* the payment of £600 to him on October 8, 1868, to have been a separate and closed payment of salary *additional to, and distinct from*, his ordinary salary as paid by Mr. Hart at the rate of £600 a year. For, on the one hand, the Inspector-General has acknowledged that on the 11th June, 1868, the Professor did not only not resign his position in the service of the Chinese Government, but that also no understanding of any kind respecting compensation was come to between them; and, on the other hand, in Mr. Campbell's letter of November 25, 1869 (47, compare also his second note, and the Professor's two notes to him, of the following day), Mr. Hart positively admits and states that, on that day, a sum of Taels 1500 and more (42) *was due to the Professor for salary* (calculated at the rate of £600 a year), and that *it would be paid to him*, upon the Professor's application for the countersignature of the President of the College, to which he demurred. But such a sum would not, at that time, have been due to the Professor for salary (calculating it, as did Mr. Hart, at the rate of £600 a year), unless the payment of £600 on October 8, 1868, had by Mr. Hart himself been considered and treated as the payment of a *bonus*, or additional salary, offered to, and accepted by, the Professor *as such*, altogether

irrespective of his current or ordinary salary, calculated at the rate of 2000 dollars per year. Hence, the retention and appropriation of this *bonus* by the Professor was as strictly legal as it was legitimate, and, therefore, could in no way tend to compromise his position, nor "lead Mr. Hart to believe that (in view of the *bonus* offered), he had accepted the *alternative of going home*, and to the *compensation*", of which not a word was said.

86. Passing again in silence over numerous mis-statements of minor importance relative to the period of the Professor's stay in China, mentioning Mr. Hart, we only add one or two bearing on the actual *status* of the Tsung-li Yamen, which he still continues to style "THE COLLEGE", although there remains neither of the College-University within the park-like grounds of the Yüen-ming-yüen projected by himself, nor of the College-School of Astronomy and Mathematics within the walls of the Tsung-li Yamen projected by the Yamen, so much as a trace. It is virtually the dubious title of "THE COLLEGE" alone (28, 43), which the united efforts of Mr. Hart and Dr. Martin have saved, as an inheritance for the surviving "Language-School", from the ruins of those imagined institutions. Something, however, had to be done to uphold, in the eyes of the foreign world, the Supreme Court of Shanghai, and Her Majesty's Privy Council, its standing as a College. So, Dr. Martin was "styled" its President. "Western" mathematics were continued to be taught by a native teacher; "lectures" on Chemistry introduced; and Mr. Hart's "hopes" for a future raised to the required standard.

1. Mr. HART stated, that in September, 1869, he reported to the Tsung-li Yamen in writing, that the Professor had resigned his post in the College; that Dr. Martin was then appointed Professor in the College and President of it. Dr. Martin was never appointed either "President", or to "the College", namely, of "Western Science of Learning", or of "Western Arts and Sciences". He was appointed, and by the Tsung-li Yamen, not by the Chinese Government, as 總教習 "Head Teacher", i.e. "Head Master", to 同文館, "the School of Languages and Literature", established by the Yamen in 1862. Indeed, the plan of the projected additional "School of Astronomy and Mathematics" having been abandoned long before, and the classes of French and English, consisting of advanced Chinese scholars, which, with the view to its realisation, had been formed in the Tsung-Wen-Kuan (28), having died a natural death: the only institution surviving, was the latter School. The Chinese term for "President", *f.i.* for the Presidents of any of the six Government Boards, is 尚書; and even S'ü, although a Member of the Tsung-li Yamen, when appointed

to the direction of the T'ung-Wên-Kuan,—at a time when the projected “College” had not as yet been “opened”, and therefore had no existence (comp. p. 683, Note 5)—, only the title of 總理同文館事務大臣, “the Hon. the *Superintendent* of the Affairs of the T'ung-Wên-Kuan” was conferred; as both Mr. Hart and Dr. Martin perfectly well know. His qualification as “the Honorable” was derived from his position in the Yamèn, not from his connection with the T'ung-Wên-Kuan. In England, nearly all our Foundation-Schools, including those of Christ's Hospital, Rugby, and Harrow, are under the direction of Head Masters. Even the small Derby School has its Second Head Master, its Mathematical Masters, its Lecturer on Natural Science, its French and German Masters, etc.; and what reasonable man would think of comparing with that School, in one and the same breath, the Peking School of Languages and Literature”? It may, in its actual condition, be described, at the best, as a *Grammar School of a low order*, finally constituted as such. On the other hand, some of our Colleges, *f.i.* in Ireland Queen's College, Belfast, Queen's College, Galway, and Queen's College, Cork, have their Presidents, supported by efficient staffs of University-Professors. It is solely for the purpose of falsely lending, in the eyes of the Western world, the character of a similar Western *College* to the Peking T'ung-Wên-Kuan or Language-School, that Mr. Hart falsely styles its Head Master, and that Dr. Martin falsely styles himself, “President”. Nor is it true, as stated by Mr. Hart, that Dr. Martin was only in September, 1869, appointed Professor in “the College”; unless it be untrue that, as the late Mr. Burlingame, then United States Minister in Peking, officially reported to his Government (3 and Note 4), Dr. Martin was already in April, 1867, the Senior Professor, and by courtesy the head, of “the College”; and that, as in the following year, 1868, Dr. Martin himself, with Mr. Hart's approbation, published to the World, that he had, before then, been appointed to the Chair of Hermeneutics, Political Economy, and International Law in the New University of Peking (4), *i.e.* “the College”. He is an American Missionary, who still continues to preach in Peking; possesses no knowledge of Law and Political Economy; knows of International Law only what little superficial information he has acquired in epitomizing “Wheaton” (3, 7); and whose Professorship of Hermeneutics, in combination with his title of D.D. to be understood of *Biblical Hermeneutics*, is as such simply a sham.

2. Mr. HART stated, that the Chinese Professor in “the College” teaches *Western Mathematics*; but that he was not competent to speak of his qualifications for the task.

If the reader will refer to (28, Note 1, p. 656,) above, he will be able to form a pretty correct judgment as to the Western character and status of Mathematics, taught in the T'ung-Wên-Kuan by the native "Professor" Li.

3. Mr. HART stated, that, in 1868, his hopes of the success of the College were less sanguine, and no more Professors were needed; that, in April, 1870, he had greater hopes of it than ever, but that it would be difficult to say, when his hopes might be realized; that some of the Mathematical students would *very probably* be ready for astronomy in seven or eight years; that Professors had been learning Chinese for three years; and that these preliminary studies would *not* occupy the greater part of a life-time.

In his letter of October 20, 1870, Mr. HART had written to the Professor: "In February, 1867, Yamen's famous second Memorial appeared (11)...In it the Yamen beyond my most sanguine hopes expressed itself loudly in favor of the College [comp. p. 682, Notes 5-7]."

It was not the case, that "the Professors had been learning Chinese three years". The Professor of Hermeneutics etc. etc. came out to China in 1850, and had been studying Chinese for the last twenty years. The Professor of Mathematics was a native of China, and had been studying Chinese language all his life. The Professor of Russian had studied Chinese for a long year, being the first Dragoman of the Russian Legation. The Professor of English had, appointed as Student-Interpreter in 1865, studied Chinese for five years past. Whether the new Professor of French, suddenly promoted from a clerkship in the Foochow Arsenal to the Chair of French Language and Literature in "the College", had studied Chinese at all, we know not. It was the Professor of Chemistry alone, who had been learning it for three years. Certainly, the Professor of Astronomy, appointed in 1866, and with some probability before him of there being "students ready for astronomy" in 1878, might, if that probability should happen to become a reality, have had a fair chance of making himself understood in their own language. But, as he had been engaged to hold the course of lectures in English (21), and called from Europe post-haste (8, Note 5) for the Regeneration of China, while the greater part of his life-time, alas, belonged to the past, his "friend and well-wisher", Mr. HART (19, Note 7), should hardly have expected him, "a man of genius and original research", to devote himself, for a preliminary dozen of years to the study of the Spelling Books of the Irish National Schools composed in the Scientific Library of his future Observatory (24), however mighty the results, "useful to the World at large" (19, Note 4), the Inspector-General's *hopes* might anticipate from such a study. These hopes, as applied to "the College", present themselves to us, as we have just seen, under

three different phases. Upon the first phase (1867) we have already had occasion to comment (40, § 10, Note 6). It would have been difficult to furnish a stronger proof of the wilful misrepresentations made to, and the fraud practised upon, the Professor by Mr. Hart in London, than is furnished by his own written declaration to the effect that, in regard to the projected University the Tsung-li Yamèn's second Memorial (11) "went beyond his most sanguine hopes". The second phase (1868), when his hopes were at a minimum, and "no more Professors were needed", will fully account for the new Professor of Natural Philosophy and Mathematics, who had progressed towards his Chair as far as Tientsin, being ordered by Mr. Hart to return to Shanghai, and thereupon converted into a Consulting Surgeon to the Foreign-Maritime Customs at Hankow; for Mr. Hart's proposition to the former Professor of Mathematics, meantime promoted to the Direction of the projected Observatory, to nominally re-accept the vacated Chair; for his attempt, on meeting with a refusal, to have the "obstinate" *savant* "forwarded to either Southampton or Marseilles"; and for all the falsehood and intrigue employed to that end. Of course, Mr. Hart deposed, on oath, that he was not influenced by the comparative want of success of "the College". How should he? Did he not, in 1868, at the very period, when his hopes regarding "the College" had sunk to an inappreciable degree, accept Dr. Martin's dedication of a work, which to the Western world represented "the New Chinese University", with its liberal charter and perfect organisation "so full of hope for the future of China", in a most flourishing condition (4)? Was he a stranger to "the Imperial University standing, at the close of 1867, an accomplished fact" in "the London and China Express" (2)? Of "the College", in the third phase of the Inspector-General's hopes of that institution, then dead and buried, we wish to speak with becoming solemnity. Its existence was, scarcely budding into life, cut off too short, alas, to produce aught save hopes and promises. In them it abounded, rich even unto bursting. Aye, what was of the T'ung-Wên-Kuan, to the Tung-Wên-Kuan it has returned. But its undying Chemistry survives. Three sisterly-entwined immortelles, Hermeneutics, Political Economy, and International Law—including two species of American cud-weeds—blossom upon its early grave, bedewed with a constant flow of Hart-Campbellian tears. The endless future is its. Until the day of a new attempt at resuscitation (29)—REQUIESCAT IN PACE.

87. We are now enabled to sum up the leading results of our various inquiries. The evidence of the Inspector-General and his Chief Secretary, as

viewed in its united character and bearing, being essentially contradictory, irreconcilable with probability, or positively at variance with facts, and to some extent collusive, appears to us destructive of the credibility of witnesses, except upon those few points in which it is supported by evidence of the Professor. That of the Inspector-General is partly contradictory, partly opposed to and defiant of truth, artful, calculated, ambiguous, evasive, quibbling.¹ The evidence of Mr. Hart's Chief Secretary is in part self-contradictory, in part untrue, highly improbable, tinged with malice, vague, shuffling, studied, and commemorative in connection with Mr. Hart's letter to the Professor of October 20, 1869. There is but one point, upon which it confirms a statement, without being contradicted by a different statement, of Mr. Hart, or disproved by positive testimony. It is his *general* assertion only, that in London he did not, in his negotiations with the Professor, act as Mr. Hart's agent,—an assertion, shown to be positively untenable,—Mr. Campbell completely agreed with his Chief Secretary. The Professor's evidence, on the contrary, we have found to be perfectly straightforward, candid, truthful, and consistent throughout. In every single instance his testimony has been supported by direct or circumstantial proof of a more or less conclusive nature.

I.—LEADING FACTS, explained or established in what precedes, which constitute the basis on which rest the general merits of the case.

1. In China, *the Government* is, properly speaking, the Emperor. His Secretariate and Privy Council, the immediate instrument of his administrative will, is as such also, and in a wider sense, designated as "the Chinese Government". Even the Six Constitutional Boards of the Capital, through whose agency the general administration of the Empire is carried out, do not, in China, form part of the Imperial Government. No official of the Chinese Government is appointed save by Imperial Rescript. No individual foreigner, whose appointment has not been sanctioned by Imperial Rescript, is in the service of the Chinese Government.

2. The *Tsung-li Yamén* is not one of the constitutional Boards of Peking, and is *not* the Chinese "Foreign-Office", or "Foreign Board".

¹ To give another illustration of the extent, to which this quibbling was carried by Mr. Hart. The Professor stated that, in London, Mr. Hart told him, he (Mr. Hart) had ordered a set of furnished apartments to be prepared for his (the Professor's) reception in Peking at the Foreign Office; and thus his first letters from England came addressed. On his arrival in Peking, he found that such a set of furnished apartments *had* been prepared for him "at the Foreign Office", i.e. the Chinese "Foreign Office", i.e. the *Tsung-li Yamén*, and within the very walls of the *Yamén* (40, § 9). The apartments did not exactly remind the Professor of London. The

the English sense and acceptation of the term. It forms no part of the Chinese Government. It is not so much as named in the official State-Directory of China. It is simply a temporary Imperial Commission. Its literal official designation is: "The Imperially-appointed Commission for the General Control of Individual (Tributary) States' Affairs", i.e. of the Affairs of the Outer (Tributary) States or Principalities, embodied in the Ching Empire Universal. It possesses no power of its own; but only such authority as it receives from the Chinese Government for special purposes by special Imperial Rescript. No individual Member of the Tsung-li Yamén possesses, as such, any authority whatever (41, 2).

3. The *T'ung-Wên-Kuan* or "School of Languages and Literature" in Peking,—there exists a Primary School under the same name at Canton—is not a public School of the Chinese Government, but a private School of the Tsung-li Yamén, established by Imperial authority, within the walls of the Yamén, in 1862, for the specific purpose of qualifying some few Chinese lads for the post of Interpreters by Russian, French, and English teachers, in these languages respectively. In 1866-1867 it continued in unaltered operation, and has continued in operation ever since, after having been made to undergo, at the close of 1867, in 1868, and at the end of 1869 certain modifications, without Imperial sanction, and under the sole responsibility of the Tsung-li Yamén. In 1866 it possessed no professorial Chairs for any branch of Western Science whatever. Up to the present day it possesses no such Chairs. In 1866 it possessed no Chair of Mathematics and Astronomy; and up to the present day it possesses no such Chair. Its former Superintendent, the Hon. S'ü, having been duly appointed to his post by Imperial Rescript, was, as Superintendent of the Affairs of the T'ung-Wên-Kuan and quite independently of other charges, in the service of the Chinese Government. Dr. Martin, its present Head Master, informally appointed by the Tsung-li Yamén, is not in the service of the Chinese Government, but in that of the Tsung-li Yamén. Suppose, in London a temporary Royal Commission of the Fine Arts were, with the sanction of the Home Government, to establish for its own purposes, and

were Chinese apartments, and furnished in the Chinese fashion, but *thus* they were furnished as completely as he could have desired. Yet Mr. Hart stated on oath: "He did not tell the Professor in London that he would get apartments in the Foreign Office; he could not have done it, because he didn't know (!); he might have said *by* the Foreign Office, not *in* the Foreign Office". By quibbling here upon the terms *in* and *by*, and evading the actual term *at*, used by him, he makes it appear as though he denied—which he does not—the *fact itself*, asserted by the Professor. This kind of artful dodgery is repeatedly resorted to by, and characterises, the Inspector-General.

within the precincts of its own offices, a School of Design, and to appoint a Drawing Master: such a School would be no more a British College, University, than a Drawing Master, so appointed, would be a College Professor or a servant of the British Government.

4. The *T'ung-Wên-Kuan* in Peking was not in 1866, and has not become since, a College or University, in the English sense of the term. By a "University" is understood an assemblage of Colleges, and by a "College" a school of high learning in every branch of science, incorporated under a public charter, endowed with ample revenues, governed by its own statutes, and possessed of various privileges, powers of jurisdiction, and with a head and officers periodically chosen from among its own Professors. The *T'ung-Wên-Kuan* or "School of Languages and Literature", founded in 1866-1867, *simply what its name expresses*. As at present constituted, it deserves, at best, the appellation of a "Grammar-School", in the English acceptance of the term (86, 1).

5. To the Commission for the General Control of the Imperial (Tributary) States' Affairs, *i.e.* the Tsung-li Yamên, is committed the administration of that branch of the Imperial Maritime Customs, which relates to foreign commerce, with and in China *carried on in foreign bottoms*. The other branch of the Imperial Maritime Customs, relative to Chinese commerce, *carried on in China in vessels of native build*, is under the administration of the Board of Revenue. At Canton and more recently also at Tientsin, special Government Commissioners, Members of the Imperial Family, have been appointed. In reference to the administration of the Foreign-Maritime Customs, the Tsung-li Yamên stands to the Chinese Government in the relation of an individual public servant. That administration is carried on at the ports open in China to the commerce of foreigners, by two classes of *employés*, foreigners and natives. *The natives are recognized Government officers*, namely, "Chief Superintendents of Trade", who partly superintend the foreign as well as the home Maritime Customs, are appointed by the Chinese Government, and correspond with the Government, the Board

¹ During the absence of Chung-Ho, "Chief Superintendent of Trade for the Three Northern Ports at Tientsin, as Chinese Ambassador to Europe, his post has been temporarily conferred on Li 'Hung-Chang, Governor-General of Chih-li.

² We say this with every deference and respect for individual Members of the Chinese Foreign-Maritime Customs-Service. Their legal position in that Service, however, is unquestionably what we have just indicated. They have no right of redress for grievances, however heavy, against their Chief, from the Tsung-li Yamên, much less from the Chinese Government. The *Supreme Court of Shanghai*, in such cases, is the only channel of justice open to them.

Revenue, and the Tsung-li Yamên; and "Superintendents of (Foreign-) Maritime Customs", at each port appointed by the Government, invariably combining the charge with the duties of the Tau-tai, who, in his former capacity, is the immediate subordinate of the Chief Superintendent of Trade, and corresponds with the latter and the Tsung-li Yamên, but not with the Government. *The foreign Customs employes are not recognized by the Chinese Government.* They consist of a hired servant of the Tsung-li Yamên, and of paid servants of that servant³ of whom, personally, they hold their appointments. The Chinese title of the former is: **總江海關稅務司**, literally: "Chief River-and-Sea-Barrier-Customs-Affairs-(Foreign) Inspector", and usually, but erroneously, rendered "Inspector-General of Chinese Imperial Maritime Customs". He is simply the Head of the **江海關稅務司** "River-and-Sea-Barrier-Customs-Affairs-(Foreign) Inspectors", usually rendered "Commissioners of Chinese Imperial Maritime Customs". They are the immediate subordinates, at the principal open ports, of the Chief Inspector of (Foreign-) Maritime Customs; but, *at the same time, under the authority, superior to their own, of the Chinese "Superintendent of (Foreign) Maritime Customs"* at their respective port,³ with whom and the Foreign "Head Inspector" they correspond; while the latter corresponds with the Tsung-li Yamên, but not with the Chinese Government. The native subordinates of the Foreign "Inspector of Customs" are, with the exception of native Interpreters and coolies, appointed by the Chinese "Superintendent"; the foreign subordinates by the "Head Inspector".

6. In the early part of 1866, the Tsung-li Yamên would seem to have conceived the idea of establishing, in addition to its Language-School, a School of Astronomy and Mathematics. The Head Inspector of Foreign-Maritime Customs Mr. Hart, in its employ, being on the eve of visiting Europe, some Member or Members of the Yamên spoke to him about engaging a Professor or Professors, or rather *Teachers* for such a School, and also two new teachers of English and French, it does not clearly appear

³ Thus *f.i.* in the Shanghai "Daily News" of August 25, 1871, will be found an official "Notification" by Mr. T. Dick, "Commissioner of Customs" at Shanghai, issued "under the authority of his Excellency the [Chinese] Superintendent of Customs". The dignity of "Excellency" is conferred on the native Superintendent by the Foreign Inspector, Mr. Dick. His Chinese title, however, **監督江南海關分巡蘇松太兵備道**, is not only far above that of the Foreign "Inspector", but equally so above that of the Foreign "Head Inspector" or, as he is more commonly "styled", the "Inspector-General" of Chinese Maritime Customs.

whether for the talked of School also, or for the T'ung-Wên-Kuan. The "verbal instructions", as Mr. Hart terms them, were, so far as the employment of a Professor or Teacher for the contemplated School of Astronomy and Mathematics is concerned, given to the Head Inspector of Foreign Customs without authority (53, 2-4), and constituted simply a private request addressed to him by some Member or Members of the Tsung-li Yamên.

7. Solely on the ground of this *private request*, and the Tsung-li Yamên's unauthorized *idea* respecting the establishment of a School of Astronomy and Mathematics in addition to the T'ung-Wên-Kuan Language-School, Mr. Hart formed a speculative *plan of his own* to be carried out in Peking, with a view to the Regeneration of China (21, p. 640, c. 4, 2, etc.), a College or University (4) for Western Science and Languages (8, 2),—or Western Arts and Sciences (39), or Western Sciences and Languages (76, 7), as he styles his projected institution according to circumstances,—which was to be second to no European University (24, c. 2), and to engage for this University of his imagination a complete staff of Professors (38, § 4, etc.). It was, to use his own words, "a plan, which *proposed to himself* to carry out, as the one *most likely* to give the fullest effect to the Yamên's *wishes*" (38, § 5). Hence, "THE COLLEGE" was a project, *purely personal to Mr. Hart*, and for the conception or execution of which he had authority from no one.

8. Mr. Hart is not "in the service or employ of the Chinese Government", but in the employ of the Tsung-li Yamên (no. 2). He goes for pay, not to the Chinese Government, but to the Tsung-li Yamên. He is not "a servant of the Chinese Imperial Government" (66, 21-24). He is not "the Agent of the Chinese Government" (40, § 17). He has never received any instructions whatever from the Chinese Government. He has never, relative either to the Tsung-li Yamên's existing T'ung-Wên-Kuan projected School of Astronomy and Mathematics, much less to his projected University-scheme, been invested with authority of any kind by the Chinese Government. No Imperial Rescript has recognized him as Head Inspector of Foreign-Maritime Customs. The names of the *Government-officials* connected with the administration of the Foreign-Maritime Customs Service are, as such, duly gazetted and regularly appear in the lists of the Official State-Directory of China: Mr. Hart's name, and the names of the Tsung-li Yamên's *employés* generally, do not. The Tsung-li Yamên itself, as a mere temporary Imperial Commission, finds no place in it (41, 2). Nor would it be home, suppose that a mere temporary Royal Commission had been appointed.

to transact certain business, forced upon it by China, and a number of *immigrant Chinese*, including "Inspectors" and a "Head Inspector" were employed by that Commission, such "heathen Chinese" *employés* of, or hired by, the temporary Royal Commission, be recognized as holding, any more than that they would hold, the position of "servants of the British Government". Much less would the native Head-Inspector, if he were to revisit China and represent himself to the Celestials as "a servant (*par excellence*)", nay, as "the Agent, of the Imperial British Government", thereby, on his return to England, insure to himself immunity from any wrongful acts, which he might have committed, in a Court of Justice.

9. Mr. Hart is not "Inspector-General of Chinese Imperial Maritime Customs", or of "the Imperial Maritime Customs" (4), but simply *Foreign* Head Inspector of a certain *branch* of Chinese Maritime Customs (no. 5) in the employ of the Tsung-li Yamên. Possibly he may "perform" the offices of a servant-of-all-work to the Yamên; but he holds no other public appointment in the Yamên's employ, besides that of Foreign Head Inspector of Chinese Foreign-Maritime Customs, placed under the controlled administration of the Tsung-li Yamên.

10. In the summer of 1866, when Mr. Hart was, on leave of absence from his duties in China, in England, he, being in England and on leave of absence from those duties, possessed in England no authority whatsoever as an *employé* of the Peking Tsung-li Yamên. Had he been,—which he was, and is, not,— "a servant of the Chinese Imperial Government", the fact *per se* would have given to Mr. Hart no more authority in England to act in any way whatever for the Chinese Imperial Government, than the bare fact of being, in the capacity of Custom-House clerks, "servants of the British Government", would give to Messrs. Smith, Jones, or Brown, travelling, while on leave of absence, for amusement or private business in China, to act in China as representatives of Her Britannic Majesty's Government. In the only case that Mr. Hart had been, not simply "the Agent", but the duly accredited Agent of the Chinese Government, could he in England have acted for that Government within the limits of the authority conferred on him. But he was no such thing (no. 8). On the contrary, he himself has since admitted on oath, that, as regards the engagement of Professors, his only authority consisted in verbal instructions from Members of the Tsung-li Yamên (78, 3); and hence, as neither the Yamên nor its Members, individually, were possessed of any authority themselves (41, 2; 53, 2-4; 10), Mr. Hart, when in the summer of 1866 in England, was

without any authority whatever to engage Professors, either for the use of the Chinese Government or that of the Tsung-li Yamén.

11. Previously to the month of August, 1866, Mr. James Duncan Campbell was, in London, appointed by Mr. Hart, to act as his Private Secretary. As Chief Secretary to the Foreign Head Inspector of the Foreign-Maritime Customs Mr. Campbell was appointed only on November 4, 1866, at Shanghai (73, 1). Mr. Hart had no power to "officially" appoint him while on leave of absence in Europe (comp. the preceding no.); and it is at least doubtful, whether or not, on the day in question, that power was his again: the appointment being under any circumstances rendered unlawful by the clause: "to date from 1st October". But Mr. Hart swore on oath, that "he did appoint Mr. Campbell to be his Chief Secretary in the summer of 1866"; the Professor stated on oath that, previously to the month of August (in July), 1866, Mr. Campbell represented himself to him as Mr. Hart's Private Secretary (73, 1); Mr. Campbell has not denied the fact, but merely attempted to quibble about and evade it: hence it is proven that, Mr. Campbell, having previously to the month of August been appointed by Mr. Hart to be his Secretary, and Mr. Hart possessing at the time the power to appoint in Europe a Private Secretary, Mr. Campbell was lawfully appointed, and acted, certainly up to his questionable "official" appointment on November 4, 1866, as Mr. Hart's *Private Secretary*.

12. In the summer of 1866, Mr. Campbell, in his negotiations with the Professor in London, acted throughout as Mr. Hart's Private Secretary and Agent (comp. 57), and in such capacity (73, 2) took the initiative in those negotiations. Proofs:—Mr. Hart was in search of a Professor of Astronomy and Mathematics of German birth, and spoke on the subject to his Private Secretary Mr. Campbell, who, in his turn, spoke to him about the Plaintiff, before the latter, to whom Mr. Hart was then a perfect stranger, is even by Mr. Campbell alleged to have had any information whatever of the projected College (73, 7); thereupon, and it must necessarily be inferred with Mr. Hart's knowledge and consent, if not by his instructions, his Private Secretary invites the Professor to become a candidate for the Chair of Astronomy and Mathematics in the projected College (73, 2; 73, 7); tells him that the salary will be £600 a year (73, 7); induces him to write to Mr. Hart, asking for a personal interview (74, 1); in consequence of that letter, and hence with Mr. Hart's consent or by his orders, appoints the following day for an interview, at which he introduces the Professor (74); subsequently applies to him, in Mr. Hart's name, for

testimonials (73, 4); carries on negotiations respecting salary (73, 5); and continues to act in a similar manner, and, *in opposition to the interests of the Professor, solely in those of Mr. Hart*. Had he acted merely as a friend on either side, he would just have introduced the Professor to Mr. Hart, and left it for them to settle their own arrangements. His action itself proves that he acted in the capacity of an *employé*; but since he was not in the employ of the Professor, but, as Private Secretary, in that of Mr. Hart, it is only for Mr. Hart he *can* have acted, as he *did* act for him.

13. Not only did Mr. Campbell, in his negotiations with the Professor in London and subsequently in Peking and Shanghai, act on Mr. Hart's behalf, but the action of both was manifestly a *concerted one*. Their aims, purposes, and ways were the same. Mr. Campbell had lived in Peking before, and therefore possessed a certain knowledge of the Chinese Capital and its institutions, more especially in so far as the latter were connected with the Tsung-li Yamên and foreigners. Already in London he had become Mr. Hart's *intimus*; or, as Mr. Hannen expresses it, he "held a position of very intimate relationship with Mr. Hart" (73, 7). He knew "what Mr. Hart had come to England for, and was doing" (73, 2). He induced an old friend, by false representations, to entertain the idea of going out to China (73, 6); and Mr. Hart adopted those false representations as his own (73, 4; 74). Mr. Hart misled the Professor as to the climate and condition of Peking (19); and so did Mr. Campbell (57). Both agreed in intentionally concealing from him the truth in regard to his own prospects in China and the actual state of the country, its Capital, its Government, etc. Both wilfully deceived, both, finally, acted together in endeavouring by similar means to wrong, the Professor (47, 51—52), and to defeat the ends of justice in regard to his case (72—78); their common basis was, manifestly, Mr. Hart's letter to the Professor of October 20, 1869, rendered accessible to Mr. Campbell (76, 1, 2; 83); if they deviated from the programme and fell into contradictions with each other, it was through the force of circumstances alone; and to this day, Mr. Campbell, although "officially" Chief Secretary to the Foreign Head Inspector of Chinese Foreign-Maritime Customs in the service of the Tsung-li Yamên, having been sent by Mr. Hart in the spring of 1870 to London in his private affairs,¹ both

¹ In the "Customs' Gazette" under date of May 1, 1870, six months' *leave of absence* is granted to Mr. Campbell. He had returned from England only a few months previously, and went back for the avowed purpose of conducting Mr. Hart's appeal-case to the Privy Council against the Professor. In September, 1871, he remained still in London—at the expense of the Chinese Exchequer.

continue to act together for the purpose of wronging the Professor, of detaining him, deprived of means and money his own (86), in Shanghai at the peril of his health and his life, and of defeating the ends of justice in regard to him.

14. Neither Mr. Hart nor Mr. Campbell, whilst in England, and for a considerable time afterwards, ever spoke to the Professor of a Language School existing in Peking, or so much as mentioned the Chinese Language School, *T'ung-Wên-Kuan*. They only spoke of a College or University to be founded with a view to the introduction of Western Science into, and the Regeneration of, China. No more did they ever, during the period alluded to, mention the *Tsung-li Yamên*, or speak of "the Chinese Foreign Office" in connection with the projected Government College.

15. On the 11th of December, 1866, *after* the Professor had, on August 15, 1866, been appointed by Mr. Hart to the Chair of Mathematics and Astronomy in the projected Government College of Western Science and Learning, and arrived in Peking on the 23rd November following, Tsung-li Yamên memorialized the Imperial Government, i.e. the Emperor, for permission to establish, in addition to the *T'ung-Wên-Kuan* or Language School, a *T'ien-Wên-S'uan-S'üe-Kuan* or School of Astronomy and Mathematics, and for the Imperial sanction of the appointment to it of a foreign Professor or Professors (10). It was altogether for the Imperial will and pleasure to grant or to refuse the Tsung-li Yamên's proposition. A College or University, such as Mr. Hart had *imagined* to be the object of Tsung-li Yamên's wishes, and to the Chair of Mathematics and Astronomy in which, under the, by him fraudulently employed name of the existing *T'ung-Wên-Kuan*, he had appointed the Professor, *not even an allusion is made* in the Memorial.

16. The proposition of the Tsung-li Yamên was granted by Imperial Rescript, on the terms of the Memorial (11). These terms were, on the one hand, that the *T'ung-Wên-Kuan* or Language-School, established in 1862, should be carried on as theretofore, without the introduction of changes of any kind, and that the youthful native students, "mere beginners" (76, 6) were to uninterruptedly pursue their course of studies for *years*: on the other hand, that, in addition to the *T'ung-Wên-Kuan*, and therefore unconnected with, and perfectly distinct from it, a new "School of Astronomy and Mathematics", *T'ien-Wên-S'uan-S'üe-Kuan*, was to be established; and that Chinese scholars of mature age and more or less distinguished be invited to study therein for proficiency in Western *Mathematics*, with the ultimate view of their application to military and naval purposes.

17. The appointment of a foreign Professor or foreign Professors to the

projected "School of Astronomy and Mathematics" was thus sanctioned by Imperial Rescript, and, in virtue of that Rescript, the Professor, although in London nominated by Mr. Hart to the Chair of Mathematics and Astronomy in a projected College or University, for which the latter fraudulently substituted the T'ung-Wên-Kuan, received his appointment to a corresponding position in the projected "School of Astronomy and Mathematics", and entered the service of the Imperial Government. His identity was recognized by the Tsung-li Yamên, to whom Mr. Hart formally introduced him, at a time when the Professor still continued under the impression that the Yamên represented "the Chinese Government", and that "T'ung-Wên-Kuan" was the Chinese name of Mr. Hart's projected College of Western Science and Learning (21, 1 and p. 640). He was not then aware, as he was not for a long time afterwards, of the true position of the Tsung-li Yamên, and the character of the projected institution as the private School of a temporary "Commission for the General Control of Individual (Tributary) States' Affairs". He was kept altogether in the dark by Mr. Hart; possessed as yet no knowledge of the Chinese language; slowly and gradually acquired information; and succeeded only shortly before his leaving Peking for Shanghai in November, 1869, to obtain an authentic copy of the Tsung-li Yamên's Memorial of December 11, 1866. This Memorial determines the Professor's position. He has never received any official communication from the Chinese Government, nor even been called upon by the Tsung-li Yamên or any other Government-official to perform any duties whatever, in connection with his nominal post; and, his appointment to that, up to the present day unabrogated, post having been sanctioned by Imperial Rescript, the Tsung-li Yamên, therefore, without an Imperial Rescript, had no more just and legal right to dismiss him from the Imperial service, than had the meanest coolie. 君君臣臣.

18. Hence, the Plaintiff's position was, and in justice and law still is, that of Professor of Astronomy and Mathematics, in the Imperial service of China; the Defendant's position that of Head *Inspector* (no. 5) of Chinese Foreign-Maritime Customs, in the service of the Tsung-li Yamên (no. 2, 5). The Professor has no connection whatever with the T'ung-Wên-Kuan (no. 16—17), and never had any lawful connection with that institution, either in its original character as a simple School of Languages, or in its present character as a low Grammar School. It is to the projected "School of Astronomy and Mathematics" that his appointment was sanctioned by Imperial Rescript. There never has existed any official relationship between

him and Mr. Hart. The "Celestial Science" is no natural branch of Maritime Customs; and a Professor of Astronomy no born subordinate of the Head Inspector of Transit Duties. The Professor is a servant of the Imperial Government recognized by Imperial Rescript; the Head Inspector is a servant of a servant of that Government, "his official standing determined by despatches, which he holds from the Tsung-li Yamén." The Members of the Yamén employed him to engage the Professor, and the Yamén employed him to pay to the Professor certain sums of money as part of the Imperial Government; serving, as he did, for a medium of communication, pretendedly between the Government, really between the Yamén, and the Professor. No other connection, so much as approaching to an official character, has ever subsisted between the Professor and Mr. Hart. Whether the Head Inspector of Chinese Foreign-Maritime Customs did, or did not "*perform the duties of Superintendent of the [non-existent] foreign Department of the T'ung-Wên-Kuan*" (78, 2); he was neither duly appointed Superintendent, to whom he alludes, nor could his performance in any manner or way concern the Professor, being, as the latter was, altogether unconnected with the T'ung-Wên-Kuan (compare art. 51, the "President's" declaration to the same effect).

19. The project of the Tsung-li Yamén, though sanctioned by the Emperor, having, for various reasons (78, 5), encountered a strong opposition within the Government, in the wider Chinese sense of the term (itself—an opposition, to the overcoming of which the Yamén's Memorial of February, 1867 (11) was chiefly devoted, but which, after a lapse of a few weeks, gained a complete victory over that fraction of the Privy Council, represented by Members of the Yamén (12)—: the Yamén's action and views, in March or April, 1867, underwent a corresponding change. We do not speak of the appointment of S'ü to the Superintendence of the T'ung-Wên-Kuan, because at that time "*THE COLLEGE*" had not as yet been "opened". But, already in the autumn of 1867, as Mr. Hart's letter to the Professor of October 25, 1867 (24) clearly indicates, the plan of the additional "School of Astronomy and Mathematics" had been virtually given up; and if it had not been, that the success of the Burlingame Mission, then on the eve of its accomplishment, was thought to require "*this great movement for education*" (3; 22), would, no doubt, have been abandoned altogether. As matters stood, it was resolved to keep up the farce for a while, and what Mr. Hart termed "*the Opening of the College*" was enacted on December 1, 1867 (27). That is to say, two days

classes of French and English, consisting of students advanced in age (28) and Chinese scholarship, were formally introduced and handed over to the new Professors of English and French, in the rooms, originally intended for their own residences, within the walls of the Tsung-li Yamèn. The Professor of Astronomy was present in the character of a simple spectator. He was introduced to no one; and no one was introduced to him (77, 2). In silence he came, and in silence he went. Even before this period, Mr. Hart's Secretary Mr. Campbell had begun to speak to the Professor about entering the Customs-service, holding out to him brilliant hopes of advancement and high pay. The Professor declined all overtures of the kind.

20. In the summer of 1868, the "new classes" of French and English had proved a failure (28); and Mr. Hart resorted to more effective attempts by fair means or foul, to free himself of the Professor of Astronomy (34—35). At the commencement of 1869, his "Eighteen Rules" for the resuscitation of "the new classes" appeared, and proved altogether abortive. The Burlingame Mission had triumphed in the United States and England. The "Great Movement for Education" could be dispensed with. The abandonment of the "Regeneration of China", together with the projected additional "School of Astronomy and Mathematics", was determined upon. *To save appearances, and as far as practicable to continue the deception, practised upon the Western world* (4; 22), the old *T'ung-Wên-Kuan* was, without Imperial authority and on the sole responsibility of the Tsung-li Yamèn, to be "extended" (78, 6) into a Grammar School of a low order (no. 4). In the summer of 1869, a native teacher of Mathematics was appointed; a clerk in the Foochow Arsenal called to the vacant "Chair" of French Language; the services of the Professor of Chemistry and Natural History (17), (by Mr. Hart engaged for "the College of Western Arts and Sciences",) in the following November secured as a lecturer; the title of "COLLEGE" of Western Sciences and Languages" (76, 7) falsely conferred on the *T'ung-Wên-Kuan*, 同文館, or "School (6) of Languages and Literature", officially so designated by the Tsung-li Yamèn; that of "President" on its 總教習 i.e. Head Master, by the Tsung-li Yamèn officially given to the Rev. W. A. P. Martin, D.D., Professor of Hermeneutics, Political Economy, and International Law, late of "the New Chinese University" (4); and the dismissal, on the part of the Tsung-li Yamèn, of the Professor of Astronomy in the *T'ien-Wên-Kuan* effected by false and slanderous accusations. The projected "School of Astronomy and Mathematics" had been consigned to final oblivion.

88. It is thus seen that, in connection with the case under consideration, we have three distinct educational institutions to deal with, namely:

1stly, the actual *T'ung-Wên-Kuan*, 同文館, or "School of Languages and Literature", a private School of the Tsung-li Yamên established in 1862, with Imperial sanction, for the instruction of C. lads in Russian, French, and English, with the view of making interpreters of them for the service of the Yamên (6 ; 87, s. 4). In November, 1866, it was, without Imperial sanction, "extended" into a Grammar School.

2ndly, the projected *T'ien-Wên-S'aoan-S'ûe Kuan*, 天文算學館, or "School of Astronomy and Mathematics", a *private* School—as distinguished from an educational institution of a higher order, such as a College (6),—of the Tsung-li Yamên, for which the Imperial sanction was obtained at the close of 1866 ; but the plan of which met with opposition within the Emperor's Privy Council ; was, after a few feeble and preliminary attempts to carry it into effect, finally abandoned in 1869 ; *never became a reality*. For this projected School Mr. Hart was, in 1866, requested by some Member or Members of the Tsung-li Yamên to employ a foreign Professor or Professors, to teach in it Astronomy and Mathematics. That, in the English translation of the Tsung-li Yamên's Memorial of December 11, 1866, given in evidence, the term 館, *Kuan*, "School", as distinguished from an educational establishment of a higher order, *used throughout in the original*, has in several instances been erroneously rendered "Department" and "College", does not affect the question, because, in the sense of another or a new "Department", it can be referred only to the Tsung-li Yamên, not to the *T'ung-Wên-Kuan* or "*Language-School*", of which no "*School of Astronomy and Mathematics*" can possibly form another or a new department ; and because, so far as regards the incorrect rendering "College", it is distinctly said in the translation that the three separate *Schools*, Russian, French, and English, which constituted the one "*Language-School*", i.e. the *T'ung-Wên-Kuan*, were maintained, without any alteration, on their then actual basis.

3rdly, the imaginary Government-"*College of Western Science and Learning*", the creation of Mr. Hart's individual fancy, which, on the foundation of his sanguine misinterpretation of what he supposed to be the Tsung-li Yamên's wishes, he intended to erect, in the shape of a vast number of buildings, including an Astronomical Observatory, a Library, professorial residences, etc., on the site of the destroyed Summer-Palace of the Emperor of China,—the park-like grounds of the *Yüen-ming-yüen* ; and to the *Ching*

of Mathematics and Astronomy in which he appointed the Plaintiff in the summer of 1866, fraudulently substituting for it in his letter of appointment the Chinese name of the "Language-School", and subsequently, on the ground of that fraudulent substitution, endeavouring, by means of wilful untruths, to identify his projected Government-College with the Tsung-li Yamên's existing T'ung-Wên-Kuan. In 1867 Mr. Hart saw occasion to name his imaginary University the "*College of Western Arts and Sciences*", and, in 1869 before the Supreme Court, with the view of comprehending the old Language-School in it, or rather embodying it in the T'ung-Wên-Kuan, the "*College of Western Sciences and Languages*". Under either name it was to have been second to no European University. But having only Mr. Hart's fancies and hopes to subsist on, it died still-born. "THE COLLEGE", as its projector, for obvious reasons, loves to "style" it, *was never thought of by the Chinese Government, never contemplated by the Tsung-li Yamên, and never had, even in a first "stage of infancy" (76, s), a real existence.*

89. Before we proceed to enumerate the principal misrepresentations made in London to the Plaintiff by Mr. Hart and his Secretary, Mr. Campbell, in connection with "THE COLLEGE", we would suggest to the reader the *motives*, which appear to have induced those misrepresentations. On the part of Mr. Campbell (comp. 12), who had failed to gain the goodwill and approval of the former Inspector-General, Mr. Lay, it can but have been the desire to ingratiate himself with his new Chief, whose power and influence with the Chinese Government he described to the Professor as almost omnipotent, and to whom, with a view to his personal advancement in the Chinese Customs service and the final attainment of certain objects of his ambition, he has uniformly shown a remarkable and extreme (83) subserviency. Mr. Hart, on his part, was, still within six weeks of his return to China and with business of an absorbing nature before him, in search of an occupant for the Chair of Astronomy and Mathematics in his projected China-regenerative University (73, 7). He, consequently, may be assumed to have been unsuccessful in that search until then. No time is to be lost. A gentleman, "possessing all the qualifications he desires for the Chair referred to" (73, 7) is introduced to him by his Private Secretary. Unto-wardly, that gentleman is disinclined to leave England. He had in the first instance positively refused to entertain Mr. Campbell's overtures; already the latter, in order to overcome the Professor's reluctance, had had to entrust Mr. Hart with the united authority of the English and Chinese

Governments to found the New College of Western Science and Law at the Northern Capital; and if the truth be told him, there is no remotest chance of securing his services. Hence the following—

II. FALSE REPRESENTATIONS made to the Professor in England, for purpose of inducing him to accept the Professional Chair, offered in unison with great personal expectations and vast prospects of usefulness; to interrupt the immediate prosecution of important scientific researches, to which he had devoted his life; and to come out to China.

1. That Mr. Hart was the (recognized) Servant (66, 21—24) or Agent (40) of the Chinese Imperial Government, in which capacity alone he asserted to have communicated with the Professor; and hence

2. That Mr. Hart was the *duly accredited* Servant or Agent of the Chinese Government,—duly accredited or authorised to make those representations and to enter into those engagements with the Professor, which he did not, and enter into with him.

Both representations are false. As to the first: Mr. Hart was no (recognized) Servant or Agent of the Chinese Government (87, 5). He is not in the service of that Government (87, 1), but in the service of the Tsung-li Yamén,—which is not the Chinese “Foreign Office” in the English sense, much less the Chinese Government (87, 2)—, as Foreign Head Inspector of Chinese Foreign-Maritime Customs, and is in this capacity *not* recognized by the Chinese Government as a public servant of the Government, but of the Emperor (87, 5). He has failed to produce either an Imperial Rescript sanctioning his alleged formal appointment by the Tsung-li Yamén or the proof of its existence, and admitted in evidence that his official standing is determined by despatches which he holds from the Yamén (78, 2). The Yamén has no power to admit any one, last of all persons a foreigner, into the service of the Imperial Government. Mr. Hart did not, in 1866, visit England in the character of a servant of the Tsung-li Yamén. He was on leave of absence from his official duties, and possessed not even authority during his absence from China, to officially appoint a Secretary to the Inspectorate-General (87, 1). He had to defer, and deferred, doing so until his return to Shanghai (73, 1). *Whilst in England, he was simply Robert Hart, esq., a private individual and a British subject.* As to the second representation: Mr. Hart was in no manner or way accredited or authorized (either) by the Chinese Imperial Government (or by “the Foreign Office” as he styles the Tsung-li Yamén, which he, in England, never so much as mentioned to the Professor in connection with the projected College) to make representations to, and to engage, foreign men of learning for the service of the Chinese Government. He was privately requested by some

Member or Members of the Tsung-li Yamén, neither who nor which possessed any public authority to that effect (41, 2; 87, 2; 10), to procure in Europe a teacher or teachers for a private "School of Astronomy and Mathematics", projected by the Yamén. Such private "verbal instructions", therefore, constituted no public authority. But Mr. Hart himself admitted in evidence, that no other authority had been given to him. *Consequently, he acted in England as a private individual at the request, as it were, of private friends in China, without any due authority whatever, and at his own personal responsibility.*

3. That Mr. Hart was entrusted by both the English and the Chinese Governments with the foundation of an educational institution in Peking; and

4. That the institution, with the foundation of which he was so entrusted, was a College (or University) for teaching Western Sciences and Learning.

These representations, which are admitted and proved to be false, were in the first instance made by Mr. Campbell (73, 6), in his capacity of Mr. Hart's Private Secretary (73, 1; 87, 11-12), and, at the first interview between Mr. Hart and the Professor and subsequently, by the former tacitly adopted as his own: because the interview was granted by Mr. Hart to the Professor, through the mediation of his Secretary and in consequence of the Professor's letter to Mr. Hart of August 3, 1866, in which the representations under consideration were explicitly brought to Mr. Hart's knowledge (8, 2), and hence was granted, and took place, on the basis of those representations (74), and because, not only had Mr. Hart, previously to that interview, read the Professor's letter, and at the interview tacitly confirmed his Secretary's representations, when verbally reiterated by the Professor, he admits also (73, 6) having neither at that time nor subsequently contradicted or corrected, but read them previously to writing the Professor's letter of appointment of August 15, 1866 (73, 6), whence it follows that the Professor was appointed also by Mr. Hart on the basis of the representations in question, Mr. Hart having wilfully and throughout left him under the conviction of their truth.

5. That Mr. Hart had authority from the Chinese Imperial Government (comp. 73, 6) to appoint a Professor to the Chair of Mathematics and Astronomy in the T'ung-Wên-Kuan; and

6. That he had authority from that Government to promise to the Professor, or to hold out to him the prospect of, the erection of a new Astronomical Observatory, and the foundation of a Library.

It has already been proved (no. 1-2), that from the Chinese Government Mr. Hart had no authority of any kind. He had, moreover, not even been privately requested by Members of the Tsung-li Yamén to appoint a Professor to a (College- or University-) Chair of Mathematics and Astronomy,

but to engage a teacher of Astronomy and Mathematics; nor to engage such a teacher for the existing *T'ung-Wên-Kuan* or Language-School, but a projected "*School of Astronomy and Mathematics*", which the Yamen had the idea of establishing in addition to the *T'ung-Wên-Kuan*, and altogether distinct from it (10; 87, 6; 88).

7. That the projected College of Western Science and Learning, the foundation of which Mr. Hart had been entrusted, was to be a Government Institution; and

8. That, as the instrument of introducing into China the Sciences and Learning of the West, its object was the Regeneration of China.

Like the former, both these representations are false. That the latter was made first to the Professor by Mr. Hart's Secretary, was adopted as his by Mr. Hart himself, is, independently of the Professor's statement on the subject, proved by his letter to Mr. Hart of January 28, 1866, in which the following passage occurs: "Unless I am mistaken in these views (regarding the Regeneration of China), the Imperial Government, in determining on the introduction of Western Science into this country, has aimed and is aiming at nothing less than the Regeneration of China, and that it is with a view to the accomplishment of this great idea, first conceived and proposed by you (Mr. Hart), that the College of *T'ung-Wên-Kuan* is to be founded". The Professor, at the time, continued still in ignorance of the existence of the actual *T'ung-Wên-Kuan* (88, 1). Mr. Hart read that letter "not once, but thrice"; never contradicted or corrected the passage under consideration, and, therefore, tacitly admitted its truth. But, no College of Western Science and Learning had then been, or ever was, projected by the Chinese Government; a *private School* of the Tsung-li Yamen's alone had been talked about with Mr. Hart by Members of the Yamen; and the object of the School was not the Regeneration of China, but a purely military and administrative foreign one (10, 11).

9. That Mr. Hart had ordered a set of furnished apartments to be prepared at the Foreign Office in Peking for the reception of the Professor.

This representation also was a false one, although a set of furnished rooms had actually been prepared for the reception of the Professor on his arrival in Peking, at the *Tsung-li Yamen* (8, note i). But the *Tsung-li Yamen* was no more the Chinese Foreign-Office in the English sense, than the *Foreign Head Inspector of Foreign-Maritime Customs* in the service of the Yamen had the power to order such a set of apartments to be constructed and furnished. The misrepresentation consisted, however, chiefly in this, that it conveyed to the Professor a confirmation of the almost omnipotent and

lofty position, which Mr. Hart's Secretary had asserted his new master to occupy in Peking, and,—the representation having been made in London and without any further explanation—, of the comforts, in diametrical opposition to the realities, something worse than discomforts (9, and note 1 ; 40, § 9), which were awaiting the Professor.

10. That it was intended to confer on the Professor the Presidency of the projected College, to make him Vice-President or Member of the Board of Astronomy, etc., and that the amount of his salary was to be arranged, on his arrival in Peking, to his entire satisfaction.

These representations were made to the Professor by Mr. Campbell in his capacity of Mr. Hart's Private Secretary, and, as he stated, after communicating with his Chief. That, though denied, they *were* made, and that the amount of the Professor's salary *was*, with Mr. Hart's knowledge, left an open question in England, no one will doubt after reading the evidence (73, s ; 73, s ; comp. 56).

90. What greatly aggravates the character of these false representations, and others of minor importance, to which we here no further refer, are the circumstances, which accompany them, namely, the disinclination of the Professor to leave England, overcome only by prospects, held out to him, as brilliant and enticing as they were imaginary and deceiving ; the public importance of the scientific discoveries (18), and the struggle for their recognition, the Professor was engaged in ; the confidence, which he placed in Mr. Campbell as an old acquaintance, and in the personal honor of Mr. Hart (19) ; his age and indifferent health, coupled with the climate and condition of Peking (19) ; the necessity for a hurried and immediate departure impressed on him (8, s) ; the concerted and deliberate (77, s) nature of the course adopted by the pretending Agent of the Chinese Government and his Private Secretary ; their wilful suppressions of the truth ; and last, not least, the calculated and methodic manner, in which they proceeded in order to protect themselves beforehand, as far as practicable, from the possible and anticipated consequences of their misrepresentations. This is, on Mr. Campbell's part, chiefly instanced by the form of the letter of August 3, 1866, which he proposed and desired the Professor to address to Mr. Hart, and to solicit an interview (74). On the part of Mr. Hart, it is proved, among others, by the following facts :—

1. Instead of his usual signature as "Inspector-General of Chinese Maritime Customs", which in this very country (China) he attaches to his name, he vaguely and exceptionally designated himself, in his letter of August 15, 1866, appointing the Professor, and dated Lisburn (Ireland), as

"Inspector of Customs", i.e. by implication of Irish Customs, and of Irish Customs and Manners.

2. In the same letter, he stated the Professor's salary, which was *nominally* only to be inserted at the rate of £600, in the ambiguous terms "to commence at the rate of £600 from the date of his departure from Europe" (See above, art. 56).

3. He alluded in that letter neither to the Chinese Imperial Government, in whose name he had unauthorizedly engaged the Professor, nor the Tsung-li Yamên, one or some of whose Members had, which he altogether concealed from the Professor in England and later, requested him to engage a teacher for a projected School of Astronomy and Mathematics.

4. Still in the same letter he uses the evasive phrase, that the Professor had been "selected for appointment"; so that, on his arrival in Peking, had that "selection" not been sanctioned by the Imperial Government, he might have pleaded against the Professor the artificial and quibbling terms of the appointment as "accepted by the Professor himself" (40, § 19).

5. For the projected Government College of Western Science and Learning, for which Mr. Hart had engaged the Professor, he *fraudulently* substituted in his letter of appointment, without a word of explanation, the Chinese name of the existing private Language-School of the Tsung-li Yamên—*T'ung-Wên-Kuan*; leading the Professor to believe this name to be the name, designating the projected new Imperial College or University (83, 3). It might possibly be argued that this was, indeed, Mr. Hart's *meaning*, and that no fraudulent substitution was *intended* by him. But this is not so. The proofs are too irresistible; and the motive too clear. In Europe the *T'ung-Wên-Kuan* was mentioned by Mr. Hart neither to the Plaintiff nor to the Professors of Chemistry and French (76, 7). Mr. Hart at the time, *knew* it to exist in Peking as a "Language-School", and as a *private* School of the Tsung-li Yamên's. It was, avowedly, *not* for such an existing private School, that he engaged the Plaintiff in London, but for the projected (13, 3) Imperial College or University (4). In February, 1898, and later, when the Tsung-li Yamên's first Memorial had appeared, positively declaring the distinctive character of the existing *T'ung-Wên-Kuan* and the projected *T'ien-Wên-Kuan* (10, 11), by Mr. Hart styled the "College of Western Science and Learning," he still, and wilfully so, allowed the Professor to remain under the impression, that the *T'ung-Wên-Kuan* was, and was nothing but, the name of the projected College or University (21); let

having been made fully aware of that impression, he never said ought to remove it. In his letter to the Professor of October 20, 1869, he *falsely* pretends to have explained to him, at an imagined interview which we have proved never to have taken place, that he, the Professor, "a man of genius", appointed to the Chair of *Astronomy* and Mathematics in a College or University projected with a view to the Regeneration of China, was only to be "styled" Professor, and really "expected" to perform the meanest drudgery of a village school-master; and that that College, intended to be second to no European University, was only to be "styled" a College, and really "meant" for a Language-School of Russian, French, and English, with a Chinese shaving-stool by way of a Professorial Chair, and a Celestial cooking-apparatus (6) by way of an Astronomical Observatory, *i.e.* for the then existing *T'ung-Wên-Kuan* (38, § 6; 21). The Defendant stated on oath that, in London, he spoke to the Professor—which he did not—of students of "the College", *i.e.* the (projected) College of Western Science and Learning, "who had come forward thus far" (76, 6);—a statement, which applies, and only can apply, to the *T'ung-Wên-Kuan*, as it existed in 1866. Nay, Mr. Hart; after indulging in an unparalleled tissue of untruths, to show, in flagrant and positive contradiction with himself, that he had engaged the Professor, not for the contemplated University of his sanguine imagination (88, 3), but for the sober reality of the Tsung-li Yamên's "Language-School" (88, 1), seems to *glory* in the deceit he had practised upon the Professor by the fraudulent substitution of names in his letter of appointment, when, in winding up his narrative, he tells him, that "it was *thus*, it came to pass that you were appointed to the Chair of Mathematics and Astronomy in the *T'ung-Wên-Kuan*" (38, § 6),—an old-established and private "Language-School", of the Tsung-li Yamên, which possessed *no* Professorial Chairs, whether of Astronomy or Mathematics, or any other branch of Western Science. Surely, we need adduce no further evidence to place the *designed and premeditated character* of the false representations, made to the Professor by Mr. Hart and his Secretary, beyond a doubt. Had not Mr. Hart arrived in London "with a clear scheme in his head" (77, 3), and have we not seen ample reason to believe, that that scheme had been communicated by him to his *intimus* (73, 7), Mr. Campbell?

91. Having proved the charges, contained under the first count of the Plaintiff's petition against the Defendant in a plain, clear, and, we venture to think, conclusive manner, and, for an account of the numerous false representations further made, and the wrongs done, to the Professor by Mr.

Hart in China, referring the reader to our summary in art. 59—61 the details on which it is based : we proceed to prove the—

III.—FALSE AND SLANDEROUS STATEMENTS made by Mr. Hart. Tsung-li Yamên, with the view of procuring the dismissal of the Professor by the Yamên from the service of the Chinese Government, which was the second count of the Plaintiff's petition.

1. On September 22, 1869, Mr. Hart, reported in writing to the Tsung-li Yamên, that "the Plaintiff, having long since been engaged by him, in the service of the Yamên, as a Professor in the T'ung-Wên-Kuan, and in consequence of the Defendant (Mr. Hart) having refused his request to construct an Observatory and to purchase a Library, had afterwards steadily declined to do any work that was allotted to him ; and that he (the Professor) had said to (Mr. Hart) in June, 1868, that, 'as there had been words to the effect that he might return to his country, why, perhaps he had better resign and depart'."

Mr. Hart having refused to produce, at the trial, the despatch itself, or a copy of it, we learn its contents, so far as they are here reported, from a second despatch of his to the Tsung-li Yamên, dated the 11th of November, 1869, and a copy of which was *incidentally* communicated to the Professor by Dr. Martin (45). The positive untruth, of which Mr. Hart's report mainly consists, have already been fully exposed (45). Mr. Hart did not engage the Professor for the existing private T'ung-Wên-Kuan, but for a projected Imperial University ; he did not engage him in behalf of the Tsung-li Yamên, but on behalf of the Chinese Government ; he did not refuse the Professor's request to construct an Observatory and to purchase a Library, but to carry out his own engagement to that effect ; he did not, as implied, absolutely refuse to do so (24). But we have here to consider only Mr. Hart's false and slanderous statements :—1stly, that the Professor had, in June, 1868, said to Mr. Hart, that he had better resign and return to his country ; 2ndly, that the Professor had, since Mr. Hart's refusal (at once) to construct an Observatory (i.e. since October 25, 1867, art. 24) *steadily declined to do any of the work that was allotted to him*. As to the first point, it will be observed, that Mr. Hart's former assertion, still made in his letter of October 20, 1869, as to the Professor having "virtually resigned beyond all denial resigned his appointment in the T'ung-Wên-Kuan on the 11th of June last year" (40, § 15 ; 80), is here so essentially modified, that we find it reduced to a mere casual remark on the Professor's part—*remark, moreover, made to Mr. Hart in a private conversation*. Yet, even in this form the representation conveys, notwithstanding, and is manifestly intended to convey, to the Tsung-li Yamên the impression that the Professor, on the 11th of June, 1868, and despite of his immediate protest

against Mr. Hart's assertion (45, 5), really had resigned his appointment under the Chinese Government. The representation, therefore, is in every sense a false one, which Mr. Hart *knew*, and has been proved, to be so (80—81). As to the slanderous charge of wilful neglect of duty, preferred by Mr. Hart against the Professor, it presents several characteristic features. In the first place, it is *false*, and Mr. Hart knew it to be so. It is false, because the projected College or University, for which the Professor was engaged by Mr. Hart, existed only in his own personal hopes (88, 3), and was never contemplated, much less sanctioned by the Chinese Government; because the new "School of Astronomy and Mathematics", projected by the Tsung-li Yamên, and for which the Professor's engagement was sanctioned by the Imperial Government, was never carried into effect (88, 2); because the Professor had no lawful connection whatsoever with the existing T'ung-Wên-Kuan, *i.e.* the Yamên's old-established "Language School" (88, 1); because, under these circumstances, he never had duties of any kind to perform, in virtue of his appointment; and because he had, and has, never been called upon to perform any duties, or, to use the terms of Mr. Hart's despatch, because no work had, or has, ever been allotted to him to do. Mr. Hart, in making the charge, *knew* it to be false; because he admitted, in evidence, that the Professor had not, as at first asserted by Mr. Hart, undertaken to study Chinese (76; 80); because he had, in February, 1867, and in the name of the Chinese Government, himself relieved the Professor of his mathematical duties (79), and on October 25, 1867, informed him that students would not be ready to join the Astronomical class for seven or eight years to come (24), while in evidence, nearly three years later still, *i.e.* on April 14, 1870, he stated, that some of the Mathematical students would *very probably* be ready for Astronomy in 1877 or 1878 (86, 3); because in his letter of October 15, 1868 (35),—in which such a charge, if it had had any foundation in truth, should certainly have been preferred,—not so much as an allusion to it is made; and because, in his letter to the Professor of October 20, 1869, he distinctly acknowledges, that the Professor "was neither asked to perform any extra work (comp. p. 706, note), nor even called on to enter upon the active duties of his appointment" (40, § 19). In the second place, the charge is a *malicious* one: because Mr. Hart, knowing it to be false, on the ground of it submitted his request to the Tsung-li Yamên, that "the Professor's functions might cease" (45) *i.e.* that he might be dismissed from his post. And in the third place, the charge is a *perfidious* one: because it was only invented and preferred sometime

between fifteen and twenty-three months after date; because, until in Hart's letter of October 20, 1869, it was for the first time intimated to the Professor, it had never been preferred against himself; because it was referred to the Tsung-li Yamên without his knowledge and behind his back and because it was manifestly intended by Mr. Hart, that it should be a secret from the Professor (45; 91, 1).

2. On November 22, 1869, Mr. Hart reported to the Tsung-li Yamên that the Professor, having in June, 1868, talked about returning home and not home, but stated that he had *not* resigned, nor consented to the contents of Mr. Hart's former despatch of September 22, 1869—[of the very existence of which the Professor was at the time ignorant]—he now requested that the demand for the Professor's removal might be set aside (45).

It will be remembered that, on October 15, 1868, Mr. Hart notified the Professor, here proved by his own despatches to the Tsung-li Yamên, *falsely* notified to the Professor, that on the 30th September, 1868, his name had been removed from the Professorial List of "the College", and that he had ceased to be in the Chinese service (35); that, in his subsequent letter of October 20, 1869, he "officially" and again *falsely* stated to the Professor "you were in the service of the Imperial Government from the 1st of August, 1866, to the 30th September (11 June), 1868, and you do not intend to continue in the service of that Government, at least so far as my knowledge goes [72], or official connection with any Department under my control is concerned" (40, § 18, and note 3); and that, on these grounds, which Mr. Hart *knew* to be false (81), he refused to pay to the Professor salary, due to him by the Chinese Government, and public funds for the payment of which had been placed in his hands (42). In the present despatch Mr. Hart directly or by implication, admits the untruth of his former assertion that the Professor had on June 11, 1868, tendered his resignation (comp. 40) and hence withdraws his request for its acceptance or rather for the Professor's dismissal by the Tsung-li Yamên on *that* ground; but *fully maintains his charge against the Professor of wilful refusal to perform his duties*, a charge, which we have shown to be utterly devoid of foundation (see 11). In his evidence, Mr. Hart states himself:

I did not report the Professor's resignation [June, 1868,] till fifteen months afterwards, because I wanted to see what he would do (!!), and I wished to be able to say that I had got a successor—[he had "got a successor" about a year previously, and, on the latter's arrival in Tientsin, had ordered him back to Shanghai, because, "the College" having collapsed, "no more Professors were needed" (79)]—I reported that he refused to teach Mathematics. I afterwards requested that this despatch might be regarded as unwritten. The despatch says nothing to infer that the first was wrong.

This is true only in reference to Mr. Hart's charge, that the Professor had, since October, 1867, "steadily declined to do any of the work that was allotted to him" (45), and which Mr. Hart thus admits on oath *not* to have withdrawn, i.e. to have tacitly confirmed, in the despatch under consideration. Nor had this despatch any effect otherwise; for, before the Tsung-li Yamên had found leisure to notice it, Mr. Hart's subsequent despatch of November 28, 1869 (49), reiterating his request or suggestion for the Professor's dismissal, reached the Yamên. Now, all this was known to Mr. Hart at the time of the trial, April, 1870. Yet, on oath he stated in reference to his second despatch of November 22, 1869, that

So far as he was concerned, the Professor was thus reinstated as a Professor in the T'ung-Wên-Kuan—in the same position as when he arrived.

We have seen that this is untrue, positively and in every sense. The Professor never held a position, i.e. the Chair of Astronomy and Mathematics in the T'ung-Wên-Kuan, i.e. the Tsung-li Yamên's Language-School; he was not "reinstated" in his former position in the Imperial service, because he had never been removed from it, by Mr. Hart's despatch; and this despatch did not, as implied by Mr. Hart, reinstate him either in his moral or legal position relative to the Tsung-li Yamên, because, instead of withdrawing, it confirmed Mr. Hart's slanderous charge against the Professor of a persistent refusal on his part to perform his duties. It has been proved to be false.

3. On the 28th November, 1869, Mr. Hart reported to the Tsung-li Yamên, that the Professor had written to say, that it was his intention to leave Peking on the 28th November to go to Shanghai, to procure a legal decision in those matters wherein he considered the Inspector-General's action wrong, and that he requested the same might be reported to the Yamên; that on the 28th the Professor left Peking; that, in acting thus, and in leaving without permission, the Professor appeared to the Inspector-General to have done what, if allowed to pass unnoticed, might be harmful to the interests of the T'ung-Wên-Kuan: that the Yamên, therefore, was requested to consider the matter, and to issue instructions for the Inspector-General's guidance.

We learn this from the Tsung-li Yamên's answer to Mr. Hart's despatch, of the following day (49). The despatch itself, which the Defendant's Counsel, Mr. Hannen, in the Plaintiff's presence, engaged to produce at the trial,—so, at least, the Plaintiff *positively understood him* to do at the time,—was not produced (71); but as the Yamên's reply, embodying the substance of it, was admitted in evidence, the non-production of the actual document, perhaps, matters little. In the concluding sentence, it will be remarked, Mr. Hart *again distinctly acknowledges, that he holds neither official power nor position relative to the Professor, and simply acts as a medium*

of communication between the Professor and the Tsung-li Yamèn. Now it has been already pointed out, firstly, that Mr. Hart *falsely* represents the Professor as having been engaged by him for the T'ung-Wên-Kuan (87, 3-4); and secondly, that he *falsely* as well as *imperfectly*, communicates the contents of the Professor's letter of November 27, 1869, (3) communicates them, not, as requested by the Professor, to the Chinese Imperial Government, but to the Tsung-li Yamèn (49): thus wilfully producing a false impression on the Yamèn's mind, *with the view of inducing the Professor's dismissal*. With the same view he charges the Professor with leaving Peking without permission, and with doing what, if allowed to do so unnoticed, might be harmful to the interests of the T'ung-Wên-Kuan. These charges are equally puerile. A Professor of Astronomy and Director of the National Observatory requires from no one "permission" to temporarily absent himself from his post. His only guide in this respect is his sense of duty. But to "expect" an "eminent savant" of this genre to hold a Chair in a University, which never existed save in Mr. Hart's wildest hopes, or in a School of Astronomy and Mathematics which, though once projected, had long since been abandoned, and whose "Raising the race" (45) had been raised up of the frailest of frail promises only, to require "permission",—from whom? from the Foreign Head Inspector of Chinese Foreign-Maritime Customs, perchance?—to go and "procure a legal decision in those matters, wherein he considers the Foreign Head Inspector's action wrong", assumes a somewhat ludicrous appearance. And that more so on the part of an "Inspector-General", to whose military discipline over those "placed under his orders", it occasionally happens, that *on his own immediate subordinates*, takes French leave of the Northern Campaign and his duties, goes the Inspector knows not whither, amuses himself in Europe the General knows not how, and that his acting thus, leaving without permission, and deserting from actual duties for a twelvemonths, is only allowed to pass unnoticed, but the absentee is allowed, moreover, to draw his Chinese pay, for studying Chinese at Peking, all the time: the same as the "Chief Secretary of the Inspectorate-General of Chinese Foreign-Maritime Customs", Mr. Campbell, has been allowed for these sixteen months, and continues to be allowed by the "Inspector-General" to desert his official duties, and to attend, in London, to the private business of Mr. Hart, at the charge of the Chinese Imperial Exchequer (87, 13 and Note). Such proceedings are harmful to the interests of the Chinese Foreign-Maritime Customs-Service; but what importance have these interests in the

eyes of Mr. Hart, to whom they are entrusted, as compared with the interests of the T'ung-Wên-Kuan, with which he has no concern? Unfortunately for his concluding charge against the Professor, however "hurtful", or otherwise, to the interest of the Tsung-li Yamên's Language-School, the Professor's legal action against Robert Hart, esq., for his misfortune, in this case, a British subject (18, 2), may have proved, the Professor has no more to do with the *T'ung-Wên-Kuan* (87, 18), than Mr. Hart has with the Chinese Imperial Government (87, 5).

92. We have thus shown, that Mr. Hart's representations to the Tsung-li Yamên, made with the view of procuring, on the Yamên's part, the Professor's dismissal, are not only false and slanderous, but, respectively, malicious and perfidious, to boot. They did accomplish, however, their object. The Tsung-li Yamên instructed Mr. Hart, as we have seen, on November 29, 1869, to inform the Professor that, *in consequence of Mr. Hart's reports*, namely, those of September 22, and November 22 and 28, 1869, it be not fitting that he should be any longer retained as a Professor in the said College (49)—the T'ung-Wên-Kuan, in which he never was a Professor. And these instructions Mr. Hart, in that spirit of petty and vindictive spite, which so generally characterises the vulgar and the low-born, carries out by writing to the Professor thus:—"I yesterday received instructions from the Foreign Board (comp. 87, 2) to acquaint the President [comp. 86, 1] of the T'ung-Wên-Kuan [comp. 88, 1], that *your services are no longer required*. I am also instructed to notify the same to yourself" (51); and "does not deem it necessary to supply (to the Professor) a copy of the instructions received from the Foreign Board" (51). The Tsung-li Yamên is manifestly not aware of, and Mr. Hart pretends to forget, the *futile* exertions made by himself and the "President" to connect the Professor with the T'ung-Wên-Kuan, in November 1869 (44—46), and the "President's" own declaration in writing to the Professor, that he (the Professor) "had no connection whatever with the T'ung-Wên-Kuan" (46). What purports to be the Tsung-li Yamên's despatch will in due time be submitted to His Imperial Highness Prince Kung, and, if necessary, to "the Sacred Glance" itself. In this place, we have only to consider the fact of the Professor's dismissal, on the part of the Tsung-li Yamên, at the Defendant's instigation by false and slanderous representations, furnishing the most conclusive proofs in support of the second count, charged against Mr. Hart in the Plaintiff's petition.

93. As to the Defendant's plea of immunity from, and the privileged

character of, the whole of those representations of his, on the ground both he and the Plaintiff were at the time in the employ of the Chinese Government; and that, in pursuance of such employ, it became his duty to superintend the affairs of the T'ung-Wên-Kuan, report to the Tsung-li Yamên upon the conduct and movements of the Professor, as attached to the T'ung-Wên-Kuan, and to make the representations in question, made in the exercise of his lawful authority, and in virtue of his position as a servant of the Chinese Imperial Government (66, 21—24): we refer the reader to the account already given (66—70). The general principles involved in the plea, are irrational and untenable in law; its elements vaguely expressed and positively untrue. The whole series of false representations, made by Mr. Hart, comprehends those, made by him and his Private Secretary to the Professor in England; those, made by him to the Professor in China; and those, made by him in regard to the Professor to the Tsung-li Yamên. The former and latter alone bear directly on our case, as thus far commented on. During his stay in England the summer of 1866, Mr. Hart was a private British subject, invested with no lawful authority of any kind, either from the Chinese Imperial Government or the Tsung-li Yamên (87, 10—11); the Professor a private British subject, *not* in the employ of the Chinese Government, he having entered the Imperial service only in virtue of the Imperial Rescript of December 1866 (10; 87, 15, 17). During the latter part of the year 1869, the Professor was in the service, without employment, of the Chinese Imperial Government; Mr. Hart, as Foreign Head Inspector of Chinese Foreign Maritime Customs, in the active employ of the Tsung-li Yamên, but *not* in the service of the Chinese Imperial Government (87, 2, 1, 13). *He has failed to produce, at the trial, any proof in support of the bare assertion of his being "a servant of the Chinese Imperial Government".* But, even had his succession to the post of *Head Inspector of Foreign-Maritime Customs* in the employ of the Tsung-li Yamên been sanctioned by Imperial Rescript—which it was not, or is, certainly, not known to have been—¹ such a position does by no means include that of a *Superintendent of the affairs of the Tsung-li Yamên's Language-School and of the foreigners connected therewith* (66, 24). As Superintendent of the Affairs of the T'ung-Wên-Kuan, the late Hon. Mr. S'ü was appointed by Imperial Rescript (comp. also 40, § 10).

¹ On the contrary: Mr. Hart admitted in evidence (the Judge's Notes) that "his appointment had (only) been reported to the Emperor"; i.e. that it has positively *not* been sanctioned by Imperial Rescript.

On his retirement into private life, the vacant post was not filled up again; and the project of the additional School of Astronomy and Mathematics having been abandoned, the old institution was placed under the superintendence of a Head Master—Dr. Martin, unsanctioned by the Imperial Government (87, 19–20). Mr. Hart has never been appointed by the Tsung-li Yamên, much less by the Imperial Government, to the position of Superintendent of the Affairs of the T'ung-Wên-Kuan. At the trial, *he has failed to produce any proof to that effect*. It was only in pursuance of such a special public appointment, not in pursuance of his employ as Foreign Head Inspector of *Foreign-Maritime Customs*, that it could have become his duty to superintend the affairs of the T'ung-Wên-Kuan (87, 18). Such a *duty* was never his. No lawful authority was ever conferred on him, in the exercise of which he could have reported to the Tsung-li Yamên upon the conduct and movements of the Professor. His legitimate province was simply that of a *medium of communication* between the Professor and the Tsung-li Yamên. He possessed no official authority whatever in connection either with the T'ung-Wên-Kuan or "THE COLLEGE". In his Secretary's letter to the Professor of November 30, 1867, Mr. Campbell writes, that "Mr. Hart has been instructed to request the Professor" (13, s), and he does so; in his own letter of November 9, 1869, he says: "In accordance with instructions from the Foreign Board, I am to inform you" (43), and he obeys; the Professor, in his letter of November 27, 1869, requests, that Mr. Hart will acquaint the Imperial Government with certain matters (48), and in his own fashion he acquaints the Tsung-li Yamên with certain matters, accordingly (49); the Tsung-li Yamên, in its despatch of November 29, 1869, instruct him to intimate his dismissal to the Professor (49), and in his letter to the Professor of the following day he notifies his dismissal to the Professor (51). What could more plainly indicate and prove his true position in reference to the Professor? *There existed no official relationship of any kind between them*. The Plaintiff's rank as Professor of Astronomy in the Imperial Service of China, was far higher than that of the Defendant as Head Inspector (87, s) of Chinese Foreign-Maritime Customs in the employ of the Tsung-li Yamên. Whenever Mr. Hart has furnished a report to the Yamên, having never been requested or authorized by the Professor to make any such report, upon the Professor's conduct or movements, he has done so, not in the exercise of his lawful authority, but in the capacity of an informer or a spy of the Tsung-li Yamên. Nor is this all. Even assuming that Mr. Hart had been both,—*which he was not*—, a servant of

the Chinese Imperial Government and the Superintendent of the Tsung-li Yamên's Language-School: what connection could there have existed between Mr. Hart and the Professor? *None whatsoever.* (77) The Professor was neither a teacher in the Tung-Wen-Kuan, nor a member of the Tsung-li Yamên; and, the projected School of Astronomy and mathematics, to which his appointment was sanctioned by Imperial Decree (10), having been definitely given up or never carried into effect, he had no capacity of Professor of Astronomy, to recognize no other authority than him, save that of the *Imperial Government of China*. Finally, though Mr. Hart had been—which he was not—all and everything his learned opponent pretended: yet, he could not, with impunity and in the exercise of his official authority, have made to the Tsung-li Yamên those false and slanderous representations respecting the Professor, which he did make respecting him, because, according to the Law of England, falsehood and slander are “privileged” offences, and, so far as legal disputes (68), between British subjects resident in China are concerned, there exist, in virtue of the principle of extraterritoriality, acquired by Treaty,¹ neither China nor Chinese Government in China, but the Dominion of British Law alone.

94. This leaves us only—

IV.—THE MONEY-ACCOUNT to advert to. It involves two points: the annual amount of salary, to which in law and equity, the Professor had and has a just claim; and the balance of salary, calculated at the rate of £600 a year, due to him on November 30th, 1869. As to the first point, it has been proved that Mr. Campbell, as Mr. Hart's Private Secretary, in his negotiations with the Professor in London, acted as Mr. Hart's agent (87, 12); that the Professor laid claim to a salary of £2,000 a year; that, after conferring, as he stated with Mr. Hart on the subject, Mr. Campbell promised that, upon their arrival in Peking, everything should be settled to the Professor's entire satisfaction; that, in the Professor's letter of appointment, the salary was designated by Mr. Hart in accordance with such an understanding; that, in their evidence, Mr. Campbell as well as Mr. Hart contradict themselves, while both contradict each other, and leave the Professor's statement in full force; that the annual amount of salary, in short, was left an open question to be definitely settled.

¹ ART. xv. of the Treaty of Tientsin reads thus: “All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British authorities”. And for what other purpose than the Supreme Court established at Shanghai?

on arrival in Peking (75, c); and that the Professor did urge its settlement (Mr. Hart's letters of October 25th, 1867 (24), when already the Professor had become so pressing, that Mr. Hart thought it necessary to put his reply on paper," 40, § 13). But a foreign tide-waiter's salary in China reaches £600 a year; that of an Inspector of Customs £2000 and £3000 a year. Hence, a salary of £2000 a year for a Professor of Astronomy, called post-haste from his pursuits and from Europe to assist in the Regeneration of China, and considering the pay of foreigners by the Chinese Exchequer generally, the climate and condition of Peking, the intellectual privations which a man of Science has to endure in China, and the serious disadvantages his isolation from the scientific world entails on him, appears a very moderate remuneration. The amount of annual salary, therefore, was one pre-eminently fit, from the attending circumstances of the case, to be submitted to the decision of the Jury. Yet, it would seem that the presiding Judge, Mr. Goodwin, had been of a different opinion; for, the question was not even allowed to be brought forward. As to the second point under consideration, it was admitted by the Defence, that no salary had been paid to the Professor since the end of September, 1868; and that Mr. Hart had been specially instructed through and by the Tsung-li Yamên to pay it up to the end of November, 1869; further, that it had been left at Mr. Hart's option to pay to the Professor a year's salary and passage-money home, in addition to the salary named. The payment of this latter sum was in no way insisted on by the Professor, who simply requested Mr. Hart to *decide*, whether he would pay it or not; but which he declined doing (52). On the other hand, the *minimum* of salary, as calculated at the rate of £600 a year, due to the Professor on November 30, 1869, was £700. Against this sum the Professor had given an order on Mr. Hart for Peking Taels 158, being, together with Shanghai Taels 176²⁰⁰, which Mr. Hart acknowledged to be due to the Professor, *although he afterwards appealed against its payment to Her Majesty in Council*, the equivalent of £100; leaving from £700 a balance of £600, *equally admitted by Mr. Hart to be due to the Professor for salary up to November 30, 1869*. This balance of £600 Mr. Hart, however, declined paying over to the Professor on the following plea, namely:—designedly confounding the sum of about £800, which, for a year's salary (taken at £600) and passage-money home, *the Tsung-li Yamên had, in November, 1869, left it at Mr. Hart's option to pay or not to pay to the Professor, with the altogether different sum of £600, which, as a bonus or additional salary for the year September 1870 to September 1868, Mr. Hart, on*

October 8, 1858, i.e. upwards of a year previously, *had* paid to the Professor he pretended the former to be the latter sum, and to have the right of calling the payment of a *bonus* or additional salary, voluntarily made and *bona fide* accepted by, the Professor *as such* (see art. 84), and taking it from salary, which had *since* become due to the Professor, on an extraordinary ground, that the *Tsung-li Yamên* had, a year later, placed other and a larger sum at his disposal, for payment to the Professor on (Mr. Hart's) option. In our judgment, there can exist not so much a shadow of a doubt as to the legal merits of the point (84), and that it is the duty of the Judge, Mr. Goodwin, to have decided it against the Defendant. But, even *could* Mr. Hart's payment of October 8, 1868,—which we assume, under the circumstances of the case, simply preposterously assume,—be viewed in the light of a compensation: then, manifestly would *still* have been for a Jury to say, whether, Mr. Hart having on his own responsibility paid that compensation a year ago, and, the *Tsung-li Yamên* having positively authorised him, in November, 1869, to pay the Professor a sum of money including such a compensation, he be notwithstanding entitled, or whether he be not entitled, to *rescind* the payment actually made. Strange to say, however, his Lordship not only decided the question in favor of the Defendant, but disallowed it to go before the Jury at all. As to the sum of Shanghai Taels 176²⁰⁰ alone, he "allowed that there was sufficient evidence, on which this might go to the Jury". Sufficient evidence! Why, in the very answer of Defendant to the plaint, he admitted that Taels 176²⁰⁰, as balance of the sums due to the Professor had been *tendered* to, and refused by, him (see also Mr. Campbell's letter to the Professor of December 18, 1869, art. 51, comp. art. 52). We cannot refrain from expressing the strong opinion, that Mr. Goodwin's decision—which, though apparently arrived at under a complete misapprehension of the real merits of the case, we are given to understand constitutes a very unusual proceeding, and one involving personal responsibilities—, is diametrically opposed to law, equity, and reason. It inflicted the greater amount of hardship and injustice on the Plaintiff, as it was by no means unknown to Mr. Goodwin that, in thus depriving the Professor—temporarily at least—of a sum of £600 lawfully his own, he was depriving him, for the time being, of the means both of subsistence, and of efficiently carrying on legal proceedings against Mr. Hart.

95. The case, which we have thus summarised as to its principal features and merits, was conducted, on the part of the Plaintiff's Counsel, by:

Rennie, with all the ability, for which the leading member of the Shanghai Bar is so well known. Throughout his address to the Jury, in which he pointed to the legal technicalities and obstructions interposed by the other side ; shortly, but with great lucidity exposed the various points at issue ; referred the Jury to the evidence which had been placed before them ; and expressed his belief that they would consider it both their duty and a pleasure, to find for the Plaintiff : not a word escaped his lips, which he might not have uttered as a private gentleman ; and if, in extending, conformably to his instructions, a degree of consideration to the Defence which, having regard to the peculiar character that Defence assumed, tended to make his client's case appear less strong than it really was, he erred herein at all, he certainly erred on the right side. We are not able to say as much of the Defendant's Counsel, Mr. Hannen. True, he had a bad case to defend ; his client was wealthy, and his fees were secure. We should, therefore, have been quite willing to allow him the utmost permissible latitude of rhetoric and stratagem, to which a pleader in his position may find himself driven to resort. But we think, that the learned Counsel went beyond, far beyond, that latitude. Poor of facts, he abounded in distortions and innuendoes. Always obstructive, sparring, and stubborn, and generally illogical, he became occasionally impertinent. It is not for this, however, we wish to find fault with Mr. Hannen. Perhaps, he "could not help it". What we have to reprehend in the part he took, are matters bearing a different complexion. It will suffice, however, here to illustrate our meaning by a few examples.

1. The learned Counsel repeatedly interrupted the examination of Plaintiff, without either reason or propriety. Thus, on the witness simply using Mr. Campbell's name, Mr. Hannen on two occasions objected to its introduction "as Mr. Hart's Private Secretary", and took the opportunity to state, that the capacity, in which he acted, was that of the Professor's private friend.

Surely, this was *pre-judging* the point, and, as has been seen (73, 1; 87, 11—12), in opposition to the facts of the case. Are we to suppose, that the learned Counsel had not been acquainted with them by his client? At any rate, why was he permitted thus to obstruct the business of the Court, and to attempt to create confusion and false impressions? Had he not himself a decided antipathy to "impressions"? For—

2. When the Plaintiff, examined by Mr. Rennie, stated in reference to the Chinese word *T'ung-Wên-Kuan*, fraudulently introduced by Mr. Hart in the letter of appointment, that "his impression was, the word *T'ung-Wên-Kuan* meant the College of Western Science and Learning, for which he had been engaged", the learned Counsel "objected to witness giving his *impressions*; they were no evidence".

The learned Counsel, apparently, fails in the knowledge of difference between impressions and impressions; and we merely give the above instance of the wanton and idle character of some of his interruptions.

3. In the course of the Plaintiff's cross-examination, the Defendant Counsel insisted that, relatively to the money-account, the *bonus* or additional salary of £600, which, "by Mr. Hart's directions" (34) was offered and accepted by the Professor (84) "was only an expression of (Mr. Hart's Acting Chief Secretary) Mr. Wieters"; that the intention was obvious, and that Mr. Hart explained that it was only the year's allowance promised on retirement.

Was not this wilfully misrepresenting the case? Mr. Wieters' letter—a private, but an official document—had been given in evidence. It contained no more than did the blank cover under which the *bonus* was—on the next-following day, so much as a trace of the "obvious intention" which Mr. Hannen speaks; whilst the character of a snare, attributed by the Professor, was obvious enough, and proved by the very fact of Mr. Hart's explanation", i.e. the subsequent construction, by him cunningly falsely (84) put upon "Mr. Wieters' expression".

4. Mr. Hannen, in cross-examining the Plaintiff, introduced a subject which he had no right to introduce. The Professor, in a private conversation with a gentleman of his acquaintance, Mr. D..., Commissioner of Customs at Shanghai, had mentioned a pamphlet he might, or might not, publish as a consequence of an amicable arrangement with Mr. Hart, he should be expected to return at once to Europe, and resume his proper studies. Mr. D... believed, the last person, who would have mentioned an incidental remark of that kind to Mr. Hannen. He must, therefore, have heard of it, at second hand, from Mr. Hart or his Secretary. He neither stated his source of information nor produced witnesses. Yet, the learned Counsel would insist upon the questions: "Do you have a pamphlet about to be published?" and: "What is the object of this proposed publication?" It was in vain Mr. Rennie objected: "I do not see, my Lord, what possible right my learned friend can have to ask such questions in reference to private papers, which may be in the Professor's possession: they neither affect his credibility nor the facts, and seem to be using the term in the legal sense, impertinent". His Lordship (Mr. Goodwin) could understand a motive for asking them. The pamphlet might be intended as an engine for intimidation". Hereupon Mr. Hannen to witness: "Did you, in speaking of an amicable settlement, say anything about 'throwing the pamphlet in'?" Witness: "I did not say to Mr. D... I would throw the pamphlet in,—throw the pamphlet into what"? (Laughter). Mr. Hannen: "I am not obliged to explain your expressions". And, on the witness still more objecting to answer queries relative to the possible contents of a contemplated and still unwritten publication, the Judge, Mr. Goodwin, once more ruled, that "there was a foundation for them, because witness had admitted having mentioned a pamphlet to Mr. D..."; and the inquisitorial proceedings were allowed to go on.

We pity as much as blame a Counsel, whose case forces him to have recourse to such practices, and to condescend, as an idle gossip or tittle-tattle might be supposed to have done, to plead on the vague ground of vagaries.

hear-say. To place, himself, on anonymous authority, words in the mouth of a witness, by him never uttered, and then to declare, that he, the responsible author of those words, "is not obliged to explain *the witness' expressions*", is one of the richest incidents in a Court of Justice, we have heard of. Who was "Mr. D..." to that Court? And what was to it a pamphlet without paper and type? Instead of the questions, asked by Mr. Hannen, with the same right and reason he might have asked the Professor: "Do you have a dish of sour-kROUT and sausage about to be prepared for supper?" and: "What is the object of this proposed meal?" And with the same right and reason, that his Lordship had for his understanding and rule, he "could have understood a motive for asking those questions, because the sour-kROUT and sausage *might* be intended as an engine for poisoning"; and ruled, *after inventing and applying that motive himself*, that "there was a foundation for the questions, because witness had admitted having mentioned a dish of sour-kROUT and sausage to "the Man in the Moon"". His Lordship's view of the point at issue, befitting the Holy Inquisition, but no English Court of Law, we hold to be as illegal, as the argument, which he bases upon it, is illogical. Mr. Goodwin's utterly unwarranted insinuation, that the unpublished pamphlet, alluded to, was intended for an engine of intimidation, *the Professor repels with scorn*.

5. Mr. Hannen, in the course of the Plaintiff's examination, objecting to evidence of misrepresentations made to him by the Defendant in China, and discomforts suffered by the Professor in consequence of Mr. Hart's misrepresentations in England, maintained that there was no representation made that Plaintiff should get a house before any other person; and that the engagement mentioned apartments, and not house.—The Court allowed the objection.

Yet, the truth is, that the "set of furnished apartments" which, in England, Mr. Hart pretended to have "ordered" to be prepared for the reception of the Professor "*at the Foreign-Office*" in Peking (89, a) were only to be inhabited by him *until a suitable residence could be found*; and that when, soon after their arrival, the Professor reminded Mr. Hart of his promise, he did engage that the Professor should have *the first residence procurable*, (comp. 32). Besides, the Professor's age and position entitled him in every sense to such a preference. Instead of meeting with the comforts of Downing-street, which he had been led to expect, he was from a Peking cart tumbled in between four naked walls of miserable student-quarters at "the Customs", infested with bugs and poisonous insects of every description. For five weeks, in the temperature of a northern winter, and with a severe cold upon him, he had, at the peril of his health, to sleep on the bare floor, whilst Mr. Hart's Secretary, Mr. Campbell, was monopolising the use

of the only workmen to be had, for his own comforts and fancies.¹ being aware of these circumstances, as was Mr. Hannen, the fact of an English gentleman should not have revolted against the case "objection", is, to us at least, unintelligible.

6. Mr. Hannen, in opening the case for the Defendant, said—He first advert to a portion of Mr. Rennie's speech, in which he had stated that the Defendant had taken advantage of every possible technical exception. I might be so; but when the Jury considered the nature of the claim, which that Plaintiff considered himself entitled to a larger salary than Mr. Hart, when they saw that the Professor really wished to appeal from Mr. Hart to an English Court in regard to the question of salary; and when they remembered that there were, in the Customs Service, 400 foreigners who might all wish to appeal from Mr. Hart to a British jury, as to what their salaries should be, they would admit that it was natural the Defendant should wish to test a point which had been argued on demurrer. Mr. Rennie also spoke of other compromise which had been made; but the action was brought for damages alleged to have been sustained through the fraud, misrepresentations, and conduct of Defendant; and taking this consideration together with that of the pamphlet which the Professor had admitted he might possibly be induced to suppress, taking these circumstances together, the Jury would, he thought, not think the Defendant was wrong in coming to the Jury, instead of yielding to the demands and enabling people to say that he had done so because he was afraid.

In the first place we have to point out, that the learned Counsel's assertion that the Professor had admitted he might possibly be induced to suppress the mythical pamphlet, is untrue. But we see here Mr. Hannen's object in dragging that pamphlet in by the teeth. He stood in absolute need of its existence, which he conjured up for the very purpose, to show to people that to "four hundred foreigners, who might all wish to appeal from Mr. Hart to a British Jury", that the Inspector-General,—just and honorable man who otherwise would have been but too anxious to submit to just and honorable arbitration, or an amicable settlement,—was not afraid to appear before a British Jury, although he did but forcedly so. Now, be it freely confessed, that we entertain no exaggerated opinion of Mr. Hannen's intellectual powers; but is it possible to assume, that he can have been blind to the moral aspect of the position here taken up by him? The learned Counsel pretends, that Mr. Hart was by the Plaintiff morally forced to go to law. 1stly, because he (Mr. Hannen) had heard it said, that the Professor had said something about some pamphlet to somebody, and the learned Judge had suggested that the future contents of that unwritten pamphlet might be intended to intimidate—whom? his Lordship only left it to be inferred,—

¹ We may as well remark here that Mr. Campbell, taking undue credit to himself for disinterested advice given in London to the Professor, stated in evidence "When we arrived at Peking, he was the better of me in that he possessed a travelling-bed which I did not". True. Mr. Campbell only omits to add, that

the Defendant ; and 2ndly, because the action was brought for fraud, misrepresentations, &c. Yet, Mr. Hannen *knew*, that both the apocryphal pamphlet had been mentioned, and the action brought, long *after* every proposal on the Professor's part for a just and honorable arbitration or an amicable settlement had, persistently and on the most frivolous grounds (36 ; 40, § 20 ; p. 692, and note 2), been declined by Mr. Hart ; that it was not, as he made out, the Professor who had forced Mr. Hart, but *Mr. Hart who had forced the Professor* to have recourse to legal proceedings ; and that, had Mr. Hart in due time been willing to do *simple justice* to the Professor, "people" would never even have come to hear of their differences. *Does not, then, Mr. Hannen's statement amount to a wilful perversion of the truth,—a deliberate attempt to mislead the Jury, upon an essential point, which he knew to have falsely represented to them ?* Again, the learned Counsel argued that, because the amount of yearly salary, having been left an open question between Mr. Hart and the Professor, and there existing between them a difference of opinion on the point, which Mr. Hart refused to settle by fair arbitration ; and because *there were four hundred foreigners employed in the Customs Service* : therefore it was but natural that Mr. Hart should wish it to be decided whether, by *alleging* himself to be "a servant of the Chinese Imperial Government", he, being a British subject, did or did not become unamenable, for unlawful actions of all and every kind, to British Law ; and, consequently, as Mr. Hart's Counsel, that he (Mr. Hannen) had taken advantage of every possible technical exception to prevent the fair administration of justice. Without looking for either morality or logic in this argument, the question forces itself upon us : What connection could there exist between a Professorate of Astronomy and the Chinese Maritime Customs Service ? between the actual case of the Plaintiff and its merits before the Court, and the possible cases of "four hundred foreigners" and their unknown merits not before the Court, and for the most part not even subject to the Court's jurisdiction ? Did the learned Counsel wish to insinuate and the Jury to understand, that the Professor was a Chinese Customs *employé* and, as such, Mr. Hart's subordinate ? Then he *knew*, that this was not so. Or did he present his threatening phalanx of "the Four Hundred" to the Court, as a plea *ad misericordiam* (comp. art. 68) ? Then we pity him and his cause. What, in any case, admits of no doubt is, that the introduction

travelling-bed was next to, and in some respects worse than, useless ; and that, having been at Peking before, he had provided himself with a large-sized iron bedstead and furniture, all complete and suitable to the climate and entomological condition of "the Northern Capital".

of the subject, here animadverted upon, was *illegal*; that its only able object and tendency could be to unduly influence or to mislead the Jury; and that the presiding Judge, Mr. Goodwin, *ought not to have* done it. Mr. Hannen might as well have introduced "the Descent of Man" as the dogma of "the Immaculate Conception".

7. The learned Counsel for the Defence argued, that having placed the Professor in the same position as he was in before, was the truth of Mr. Hannen's two (first) despatches to the Foreign Board, on which Mr. Rennie was substantiating his case. But having been put in this position, the Professor still wants legal advice—What for? He has nothing to seek advice about; he says he wants to go away; and Mr. Hart reports to the Tsung-li Yamén that the Professor has gone away,—what shall he do? The Yamén reply,—of his having left—we direct you to dismiss him. And this is *constructive* slander. *There was not a tittle of evidence to justify the charge.*

Mr. Hannen feels here still a "natural" delicacy against any allusion to Mr. Hart's *third* despatch to the Tsung-li Yamén of November 28, 1894, although somewhat later, we find him "really to have only to do with it." We regret our inability of adding to our text the oily and insinuating quality of its delivery, and only give it as a specimen of Mr. Hannen's treatment of the case in the way of grammar and logic.

8. Mr. Hannen, in his address to the Jury, said: *His conviction was a mistake throughout the whole history of the case, the Professor was labouring under a mistake.* He had devoted a long time to the study of mathematics and astronomy, and had at length arrived at a theory, which satisfied him that the Newtonian Astronomy was entirely wrong. Against all opposition and he laboured and hoped to realize the recognition of his theory. And after years of vain efforts and expectations, he tells us that he still continues to do so. This, gentlemen of the Jury, illustrates the sanguine temperament, which led him into the *obstinate misconceptions on which this action is based.* The illusions, that have led him to maintain his anti-Newtonian theory against the scientific men of the age, had led him pertinaciously to indulge in hopes and projects utterly unwarranted by the facts of this case... In short, the Professor has been misled by his own sanguine disposition. *He is one of those men, who, always been at loggerheads with all the world,—a class of men who, in the long run, are generally proved to be mistaken.*

The invective and calumniating breath of the learned Counsel, judging from the startlingly mild conclusion of his tirade, would appear to have somewhat failed him. We will spare Mr. Hannen the pain of inquiring into the honesty of what he here states to be his conviction, and the truth of his asseverations. In one or two of his notions he is only *mistaken*. The Professor KNOWS "the Newtonian Astronomy" to be "entirely wrong"; he is as SURE, if his life be preserved, to see a truer system take the place of that of the immortal author of the "*Principia*", as he is sure to see the day continue to follow upon the right: *Magna est veritas et prævaleret*.—even, we dare to anticipate, against the mighty support, which the Catholic

intellect of Nicholas J. Hannen, esq., late Barrister-at-Law in Shanghai, and Sir Rutherford Alcock, Ex-Minister at the Pekingese Court (18, 2), still lend to the "Theory of Mutual Attraction". But the questions, which here suggest themselves, are: Does the learned Counsel possess any *knowledge* of Astronomy? None whatever. Does he not possess *some* at least of that general biographical knowledge relative to the great men of the Newtonian epoch, with which every gentleman of education is supposed to be acquainted? He, manifestly, does not. For, else he would have known that Kepler, Galileo, Copernicus, and Newton himself belonged, all and every one of them, to "those men who", as he so eloquently expresses it, "have always been at loggerheads with all the world"; that Kepler died in want, Galileo, in order to save his life, had to abjure the Earth's rotation about its axis before the Inquisition, Copernicus was under the necessity of hiding his discoveries for many a long year in cipher, and Newton's theories might never have met with general acceptance, long delayed, but for the rendering of the *Principia* into French by VOLTAIRE's mistress; and that great new truths are almost invariably denounced, and descanted against, by the interested, the prejudiced, and the *ignoramus* of the day. Is, then, in an English Supreme Court of Justice, *supreme ignorance*, under the wig of judicial learning, to be permitted to assail the professional character of a man of Science, and to denounce him to the public as an *illusionist*? Nay, when his illusions, so far from being restricted to speculative subjects, are asserted to extend to palpable facts and moral views of right and wrong, and to lead him to bring an action for slander against a fellow-man on the mere ground of "obstinate misconceptions",—what else is this, but to accuse him of lunacy or a deranged intellect? The Professor can afford to smile at Mr. Hannen's charges and insinuations, and to treat them with the contempt they deserve; but they are, for all that, perhaps only *the more unwarranted and calumnious*. And does the learned Counsel's memory serve him so poorly, that he should have clean forgotten, how *his* "illusionist" is by his principal, the Head Inspector, described as "a man of genius and original research"? and how Mr. Hart was quite as anxious to retain the Professor's services for the existing "T'ung-Wên-Kuan", as he was anxious to rid himself of them for the projected "College of Western Science and Learning"?

9. Mr. Hannen said: I ask you, gentlemen (of the Jury), what possible reason *could* Mr. Hart have for saying that the English Government was to guarantee such an engagement, jointly with the Chinese Government, [see above, 89; 90] when [*risum teneatis*—] the whole state of things at the time showed quite a contrary tendency. You can hardly have a doubt, that they

never could have said such a thing. And yet the Plaintiff, with his *cherred obstinacy*, whenever an idea has got into his head to defend it against all, persists in asking us to believe, that they represented the English Government as combined with the Chinese to establish a new College at Peking. So he had probably told him, that the English Government had something to do with the College, and he harped upon it until he came to believe it.... Plaintiff had himself in other matters to be a man of more than average accuracy. Afterwards, Mr. Campbell sent him a circular dated the 9th, but signed the 10th of the month, he once again refused to receive it, because of the discrepancy of dates. He stickles over a mere date, but swallows such a point as this: he professes to have regarded as of great importance, and wishes you to know that he did so because of his perfect confidence in Mr. Campbell! Plaintiff must have understood that the affair was entirely Chinese.

What we object to in this "swallowing" harangue, is his wilful misrepresentation of a positive fact (73, 6; 74), in which, for the purpose of inducing the Jury, the learned Counsel indulges,—coupled with his attack, although partaking of the ludicrous, by a sort of slight-of-tongue to transform that concrete fact into a hallucination of the Professor's own brain, supported only by his characteristic obstinacy. It is untrue, moreover, that the Plaintiff ever wished the Jury to believe, that he "swallowed a point as this because of his perfect confidence in Mr. Campbell", and that he "stickled over a mere date" in declining to accept Mr. Hart's circular of November 9th, 1869, (see art. 43. Besides, this circular was addressed to the Professor, not in accordance with the public position held by him in the Chinese Imperial Service, but in his capacity of a private gentleman).

10. Mr. Hannen said: Then again as to salary, the Plaintiff relies on Mr. Campbell. This Professor, whom we afterwards find so particular in retaining a document sent him by Mr. Hart, he cuts off the seal of the Inspector-General and sends it back to him,—this man goes all the way to Peking with nothing to rely on but Mr. Campbell's assurance that his salary and everything else would be settled to his entire satisfaction, though Mr. Hart plainly [comp. 73, 4] told him that his salary would be £600 a year, with a possible gradual increase for five years' service. The explanation, gentlemen, of a great portion of this case must be sought in Plaintiff's long and elaborate memorandum of January, 1867... The memorandum opens with a proof of the Professor's great ability, for though he has been only a few months at Peking, he makes a quotation from a Chinese Sage, and it is to be supposed that, if he had not understood the words, he would not have put them in.

We will pass over the wilful misrepresentation of facts, contained in this as in nearly every, paragraph of the learned Counsel's address, and merely add a few words of explanation, to illustrate some of the more innocuous features of Mr. Hannen's rhetoric. Perhaps, the Professor was wrong when, in 1867

¹ With Dr. Legge's "*Chinese Classics*" before him—Mr. Hannen may possibly not have heard of such a work—, the Professor observed: "Already the great teacher of the Chinese races enounced the momentous truth, that it is on the extension of sound knowledge among the people, that the happiness, the peace, and the power

called upon by the syren voices of the Inspector-General of Maritime Customs and his not-as-yet-officially-appointed Chief Secretary to hasten to "the Regeneration of China", he placed a degree of confidence in the personal honor of Mr. Hart (9) and the assurances of an old acquaintance, Mr. Campbell, which to the learned Counsel—and, who a better judge on this point?—appears quite incomprehensible; but when, in 1869, the Professor, having come to better understand the true character of a certain professing friend and a certain "agent of the Chinese Imperial Government", he, to Mr. Hannen's undisguised annoyance, "cuts off the seal of the Inspector-General and sends it back to him": surely, he thereby but proved himself *to be open to conviction*; just as in the learned Counsel's own case, the Professor, between the 12th and the 15th April, 1870, freely and at once cast to the winds all his former illusions regarding him (the learned Counsel), without betraying any of that "characteristic obstinacy", for which he gives the Professor credit. As regards Mr. Hannen's unsuccessful search after "an explanation of a great portion of this case in the Plaintiff's memorandum of January, 1867:" we have come to his assistance, and furnished a few of the desired data (21, page 643). On the other hand, his "proof of the Professor's great ability displayed in the opening part of that memorandum", the Professor must beg leave to decline.¹ Or did the learned Counsel, perchance, intend his "proof of ability" for satire, if not wit? We really hold Mr. Hannen *capable* of the misconception.

11. The learned Counsel observed: I don't know whether the Professor has been accustomed to more comforts in Europe than his £600 a year sufficed to secure him in Peking.

It is a pity, we think, that learned Counsels should be permitted to take up the time of a Court of Justice by talking about what they avowedly know nothing; telling stories; and libelling English comforts by associating the term with Peking and a tide-waiter's salary.

12. Mr. Hannen said: You will notice, too, gentlemen of the Jury, that to this despatch of Mr. Hart of October 25, 1867, dealing so frankly (!) with all his most cherished objects, Plaintiff, of whose gifts and proclivities as a letter writer we have had such proofs in various ways, *sends no other answer than a mere acknowledgment of having received it.*

This is another *wilful untruth* on the learned Counsel's part, and one *calculated to mislead the Jury*. No acknowledgment of the receipt of the letter

perity of the whole Empire fundamentally and mainly depend"; and, his memorandum being intended for the information of the Chinese Government, he had the original passage transcribed in Chinese by his Chinese teacher as a foot-note, in order to prevent an erroneous rendering of the import of his words.

in question was by the Professor sent to Mr. Hart. He answered it bally (26), and what were the tone and spirit of that answer has already pointed out (24—26).

13. The learned Counsel stated: Could it be any trap to send him in accordance with the arrangement of June, and thus entrap him into committing what then took place? Then, when he talks of entrapping, who accepted money sent for one purpose and applied it to another, and gave no explanation for a whole year? and all this as he tells us in order to better his position with a view to legal proceedings. All we can say is, that the entrapping must be on his own side.

Once more, nearly the whole of this paragraph of the learned Counsel's address to the Jury, is made up of wilful and partly slanderous statements. It had been admitted on oath by Mr. Hart himself, that in June, 1868, an arrangement had been arrived at between him and the Professor (80)—whilst the correspondence (30) proves that, in offering to the Professor, on October 6, a *bonus* or "additional salary" of £600 for the past year, it was offered and, on October 8th, sent to him by Mr. Hart's Secretary with the most distant allusion to any alleged arrangement, or a retiring-allowance and passage-money, *Mr. Hart himself not having intended it otherwise* (Mr. Hart's deposition); that as a *bonus* or additional salary it was distinctly and *bona fide* accepted by the Professor in his letter to Mr. Hart of October 11, 1868, written within *three days* after the money had been received under blank cover; and, when Mr. Hart *thereupon*, on October 15, attempted to explain the *bonus*, given and accepted as such, into a retiring-allowance the Professor, again, on October 19, 1868, as distinctly informed him, that he did *not* accept that explanation (35), in other words, that he did *not* intend to keep and to apply the money as his own,—in law, justice, and equity, it being his own (84; 94).

14. Mr. Hannen remarked: Now, gentlemen, because all these despatches are by Chinese custom recapitulated in this last one, Plaintiff wishes the fact to be overlooked, that the first and second are quite distinct, their connection in this document being purely accidental [comp. above, no. 7]. We have reason only to do with the third despatch. At the time it was written students were about ready to receive mathematical instruction [comp. art. 82]. Was it then unreasonable that Mr. Hart should say that the Professor's departure at the crisis [admirable! The late Mr. George Robins could have done it better], was likely to be harmful to the T'ung-Wên-Kuan! But beyond mentioning the fact, he suggests nothing [see art. 49], and the Yamén, in its reply dismisses the Professor, not because of Mr. Hart's report, but in "view of the Professor's action". If, gentlemen, you can find Mr. Hart liable in damage for so acting, I am greatly mistaken in my idea of an English Jury.

Really, we wonder that Mr. Hannen, after having discovered "how greatly he is mistaken in his idea of an English Jury", should have considered

conciliable with his conscience, in the capacity of Acting Assistant-Judge to take his seat on the Japan Bench, and to place himself in a position to have entrusted to an English Jury's decision the interests, the honor, or the life of his fellow-countrymen. But, then, is not the Far East the land of wonders and—falsehoods? *It is simply untrue*, as the learned Counsel states, that the connection between the two first with the third despatch, here in question, is purely accidental; that, in the latter despatch, Mr. Hart suggests nothing; and that the Yamên dismisses the Professor, not because of Mr. Hart's report, but "in view of the Professor's action". The Professor's action became known to the Yamên only through Mr. Hart's reports, and those reports were not only of a *false and slanderous nature*, but the Yamên distinctly state, that they dismiss the Professor,—considering his action as reported to them by Mr. Hart on November 28, and November 22, recapitulating, under the latter date, the contents of his alleged despatch of September 22 (45),—*in reply to his last report of November 28 (49)*.

15. Mr. Hannen stated: I wish also to recall what I said before about the proposal to settle this matter out of Court. The action is: 1,—For wilful and false libel; 2,—For considerable damage suffered through the fraud, deceit, and slander of defendant. Now, I have to tell you that, in 1868, Plaintiff, in proposing an "amicable settlement", wrote to the following effect: "I shall be truly sorry if you persist in refusing to do me justice; for such a course is not devoid of danger to your future career and your schemes for the Chinese". What, gentlemen, could this mean but that Plaintiff *meant to make the danger he alludes to?* (—Plaintiff: No, no!—) Be quiet! Besides, gentlemen, you have heard of a pamphlet, to be published by Plaintiff, but which he suggested could be cancelled, if an "amicable settlement" were come to. Again, in writing to Defendant, Plaintiff proposed that he had no personal animosity to him, but he added "War is war; and you should remember that by victory you have nothing to gain, and by defeat I have nothing to lose". *Gentlemen, you will be at no loss to understand how an "amicable settlement", backed up by suggestions such as these, would be INDIGNANTLY rejected by every RIGHT-MINDED man*, and he would feel that the matter *must* go to a Jury.

We should be the last person to differ from the sentiment, here expressed by the learned Counsel, always provided that—his premises be true. But in his virtuous indignation at the Professor's propositions for a fair and honorable "amicable settlement"—a procedure which, certainly, brings no foes to cantankerous lawyers—, in his noble enthusiasm to calumniate the Professor in order to exalt the "right-mindedness" (comp. 37—41; 45; 49; 53 seqq.) of his patron, and to mislead, if possible, the judgment of a British Jury, Mr. Hannen has recourse to another series of *wilful misrepresentations of facts, positive untruths, and slanderous insinuations*. If the reader will refer to the Professor's private communication to Mr. Hart of October 19, 1868 (35), from which Mr. Hannen took both his quotations,

he will find that these quotations *utterly and designedly pervert the spirit and the letter of the communication in question*; that they were *in no way whatever connected with a proposition for an amicable settlement*; that they relate, not to two different cases, but to *the same letter from Hart*, "not one of the propositions and statements contained in which Professor could accept, the former being unwarranted and inadmissible, the latter at variance with the facts of the case and with truth" (35). We will find, moreover, that none of the Professor's repeated propositions for a fair arrangement (33, p. 663; 72, p. 750; 36—37; 44) were ever "taken up" by suggestions, such as the learned Counsel *falsely imputes to the Professor*; but were invariably dictated by a strong sense of equity, forbearance, and as strong a wish to return to Europe without delay. "In my desire", the Professor wrote still on October 11, 1869, to Mr. Hart, "I never have desired, anything but what is fair, just, and equitable, and such a disposition be responded to on your part and that of the Imperial Government, I can perceive no difficulty in the way of a friendly adjustment satisfactory to all" (36). We will leave it to the reader to qualify, or *deserves to be qualified*, Mr. Hannen's attempt to fasten upon the Professor motives the cowardly stamp of *intimidation*. That, in charging the Professor with having morally forced Mr. Hart to have the matter submitted to the decision of a Jury, Mr. Hannen *knew the charge to be false*, has been already shown (no. 6 above).

16. In conclusion the learned Counsel said: Gentlemen, I have only one or two words to add. In considering this matter, no consideration should be taken of Plaintiff's need of money or of Defendant's ability to pay. The question is: What damages are due? He claims £3000, but he includes in that manuscripts worth a fabulous sum which, being disallowed by the Court, reduces his claim to nothing. And what right has he to anything? He has got £600 a year—all that was promised him. Plainly, it is a real advantage to him to get home. He wants to establish his anti-Newtonian theory, and he wants these damages to help him in his project...The Professor has been misled by his own sanguine disposition. He is one of those men, who has always been at loggerheads with all the world, a class of men who, in the long run, is generally proved to be mistaken (comp. no. 8, above).

Would the learned Counsel's rhetoric, in the case of Defendant's inability to pay, have risen to its actual standard? Be this as it may. But if "the one question was: What damages *were due* to the Professor"? surely it was impertinent on Mr. Hannen's part, to remark upon the object to which the Professor might choose to apply his own money. That (Mr. Hannen) should sneer at that object—the advancement of scientific Truth, and the extension of man's knowledge of the Cosmos, and the laws

by which the Eternal One governs and sustains His Creation—is but natural. We apprehend, he was not born to distinction in arithmetic. It would require a clever man to produce “a fabulous sum” out of £3000; but he, who subtracts from £3000 “a fabulous sum”, and makes the remainder = 0, is, mathematically speaking, a hopeless dullard. The facts of the case have been related previously (23). Because the Professor had been induced by Mr. Hart by false representations to come to China; because, instead of the “set of furnished apartments at the Foreign-Office”, or a proper “Residence”, promised to him in England, Mr. Hart had assigned to the Professor rooms, as a matter of fact, accessible to bad characters and in which no valuable property could be left with safety; and because the Manuscripts were lost *in consequence of Mr. Hart's unlawful action* and, not “by the hand of God”, but owing to the bad roads of China and the dishonesty of the country-people: the Plaintiff's Counsel held that, *on principle, but at a mere nominal valuation only*, they should be included in the claim. Hence, when Mr. Hannen, with a view to entrapping the Professor, desired to know, whether the Manuscripts were included in his claim and what was their value: he, in accordance with the truth, told him that they were included in his claim; that to him they were *invaluable*; that they embodied the chief results of a quarter of a century's labours, and that it would take him from ten to twelve years to replace them; that the learned Counsel, at the rate of £600 a year, might possibly succeed in calculating a value for himself; that, if Mr. Hart were willing to pay such a sum, he (the Professor) would be quite willing to accept it; but that the sum of £3000 was the *whole* claim for damages, which he advanced. Mr. Hannen failed in entrapping the Plaintiff, and made up for his failure in vicious arithmetic. What here, however, alone deserves notice is, that the presiding Judge, Mr. Goodwin, stated: “He might save time by saying, that he purposed to tell the Jury, that they could not take into consideration the loss of Manuscripts. If the Professor went on an excursion to the hills of Tartary, Mr. Hart was not liable for losses he incurred in doing so. *This claim was quite ridiculous*”. Had the learned Judge been in some degree familiar with the geography of “the Far East”, he would not have committed the startling error of locating Pa-ta-chu, a gorge of “the Western Hills” within a dozen miles from Peking, somewhere in the vastness of Tartary, or of describing, as it were, a removal from London to Richmond for the summer-months as an excursion to the Arctic Regions. The geographical blunder of itself is pardonable enough; but that, on the ground

of such a misconception on his Lordship's part, *in view of the parties of the case, and despite of the professional opinion of Mr. Rennie*, Mr. Goodwin should have declared a claim, reduced to a *merely nominal* sum, for a loss such as the Plaintiff had sustained, to be *quite ridiculous*. It appears to us in the light of one of the gravest improprieties and *seemingly* tending to unduly influence the Jury, of which a Judge could have been guilty, and to evince, on his part, either judicial incapacity, or *actual* bias, or both.

96. We take the following, almost literally, from the report of the "Shanghai Evening Courier", as reproducing, very correctly, the Charge to the Jury. Mr. Goodwin spoke to this effect:—

Gentlemen, I shall not have a great deal to say to you. Most of the issues have been already set before you by the learned Counsel. There are two principal points to be considered. 1. As to the representations in London which will have to consider what evidence there is for the allegation that representations were made about the College to be founded in Peking. You must decide whether in your opinion any false representations were made on the subject by the Defendant, and whether, if any such representations were made by Mr. Hart, he was authorised to make them by Defendant. On this subject there is some conflict of testimony and it is for you to say which is to be believed. If you think false representations either by or by the authority of Defendant, that Plaintiff has suffered damage in consequence, you will find for Plaintiff; if not, you will find for Defendant. If you think Plaintiff has made out the case of his case, you will then have to consider what measure of damages should be allowed him. It is true he has got the £600 a year, that were promised to him, so that there is no pecuniary damage in this respect. Of that there is no dispute. But he says he was occupied with important studies; to the pursuit of which he had dedicated his life and which might prove of great benefit to mankind. If it be really true that he has been seduced to relinquish these by false representations, then you are bound to award him damages. Yet you must remember that in such cases the damages in a pecuniary sense may be almost immeasurable; and I think it right to tell you so.

The second grand issue is, whether Defendant did, by false representations, lead the Chinese Government to believe that Plaintiff had resigned, and that he had deserted, his post. Did he make such statements? Were they false, and was Plaintiff dismissed in consequence? There can be no doubt of the fact that his dismissal was in consequence of Defendant's despatch. So that the Jury have only to consider whether that despatch was true and warranted by the circumstances of the case. Supposing you find it unwarranted, you have then to consider what ought to be the measure of damages. He was in the position of receiving £600 a year and with the prospect of having this increased. But I do not say that this single consideration should measure the damage. It is not a total loss. There are many other contingencies. His dismissal enabled him to escape the risk to life of living in China. It also leaves him open

¹ These £700 constitute the amount of unpaid salary, calculated at the rate of £600 a year, due to the Professor at the end of November, 1869. It could not, with propriety, be called "a claim disposed of by his Lordship", since it was an unquestioned debt, owing by the Chinese Government to the Professor. The sum, which the Judges did "dispose of", was a claim of Mr. Hart's to recover, under a false plea

enter into other engagements. On the other hand it is to be considered that he has been put to considerable expense while living in Shanghai. All these circumstances you must take into combined consideration in determining the amount of damages, if you should conclude that he has been unjustly and prematurely deprived of his place.

I think it my duty to direct you to return a verdict for the Tls. 176 admitted as due by Defendant. The claim of £700 I disposed off yesterday.¹

Gentlemen, it is unnecessary for me to tell you that you must endeavour to give your decision unbiassed by any considerations but those of simple justice. It may be said that the one party in the case is wealthy, powerful and influential, while the other is not so. But that you must leave entirely out of consideration. Remember you are on your oaths, to decide impartially, and I leave the matter in your hands.

At a first glance, this summing up may appear fair and impartial enough; yet, on a closer examination, it will be found difficult to avoid the conclusion, that the charge partakes of a very unsatisfactory character, and betrays the same partiality against the Plaintiff or undue leaning towards the Defendant, seemingly not unmingled with a certain want of judicial ability, to which we have already had occasion to allude. We will here adduce some of the principal facts and reasons, on which our impression to that effect is based, and leave it to the reader to say, whether they do, or do not, fully bear as out in our inference.

1. His Lordship states in his charge to the Jury that, on the subject of the alleged misrepresentations in London, "there was some conflict of testimony, and that it was for them (the Jury) to say which was to be believed". Now, could Mr. Goodwin possibly have shut his eyes to the *character* of that conflict (73—78), and the *positive proofs* of wilful misrepresentation, furnished by the written as well as the oral evidence (89, 1—7: 90)? If ever a Judge's duty was clear: it was here, it seems to us, his Lordship's duty to call the Jury's attention to the two features of the evidence just alluded to.

2. The Judge said: It is true, he (Plaintiff) has got the £600 a year, that were promised him, so that there is no pecuniary damage in this respect. Of that there is no dispute". Such a direction and such a statement are perfectly astounding, in as much as the Judge,—because on his own authority and tacitly he appears to have thus far *squashed* the Professor's just, equitable, and rational claim to a higher salary,—*simply ignores*

out of those £700 due to the Professor, a sum of £600, which he had of his own free will paid to the Professor, in October, 1868, as additional salary, and to the repayment of which he had no just or equitable claim whatever. Can this simple matter really have perplexed his Lordship's powers of comprehension to such a degree as it would seem to have done?

that claim, and ignores it with the evidence respecting it, in which both Defendant and his witness contradict themselves and each contradict other (73, s), and the very fact that the amount of yearly salary in England left an open question (56), before him. Not £600 a year—a waiter's salary in China—were promised to the Professor, but a salary—him from the first proposed at £2000 a year,—fairly corresponding position in China, and to be fixed after his arrival in Peking. And his salary he has never ceased to claim.

3. His Lordship, as reported, said to the Jury: "If you think false representations were made either by or by the authority of Defendant, and that Plaintiff has suffered in consequence, you will find for Plaintiff; if not, you will find for Defendant".

The Judge said: "If it be true, that Plaintiff has been seduced to relinquish studies, important to mankind, by false representations, then you are bound to award damages, which in a pecuniary sense, however, may be almost insupportable".

Let it be remembered, that Mr. Goodwin had just directed the Jury that the Plaintiff had, as to salary promised, *not* suffered from the Defendant's (alleged) false representations in a pecuniary sense, and that he had failed in his duty to call the Jury's attention to the positive proofs, adduced in support of those false representations. Viewed in connection with this circumstance, the present paragraph of his Lordship's charge, vague, obscure, and somewhat self-contradictory, appears to us highly calculated to confuse and to mislead the Jury upon the first principal point submitted for their consideration. It would seem to be Mr. Goodwin's judicial theory, that any British subject, A, may, *virtually with impunity*, induce another British subject, B, by false representations to relinquish, for years at least, his scientific pursuits of the highest order; to give up the intellectual resources and advantages of Europe; to expose his life to the dangers of the sea and the worse dangers of an extreme and unhealthy climate; and to proceed to a country, at the other end of the world, in which a removal to a distant shore involves the loss of a man's earthly possessions, and in which whole-sale massacres of foreigners are perpetrated under the protection of the Government:—provided only that to B, who may be, say a Professor of Astronomy, a certain fraction of the salary promised to him and due to his position, be paid by A, until A, equally vindictive and unscrupulous, finds it convenient to procure, by slander, B's dismissal, in order to deliberately condemn him, thereupon, to starvation.

4. The Judge said : The Plaintiff's salary is not a total loss. There are *many other contingencies*. His dismissal enables him to escape the risk to life of living in China. It also leaves him open to enter into other engagements.. *All these circumstances you must take into combined consideration* in determining the amount of damages.

Gentlemen, It is unnecessary for me to tell you, that you must endeavour to give your decision *unbiased by any considerations* but those of simple justice. It may be said that the one party in the case is wealthy, powerful and influential, while the other is not so. *But that you must leave entirely out of consideration.*

Does not "simply justice" assume in these two paragraphs a double-faced aspect, the one full of considerations for the Defendant, the other stern and uncompromising for the Plaintiff? His Lordship ignores the fact, that the actual amount of damages claimed, excluded the very possibility of the Jury mistaking it for the total value of the Plaintiff's probable future salary. But the argument of the learned Judge,—strangely coinciding herein with the Defendant's Counsel, Mr. Hannen, who said : "Plainly, it is a real advantage to Plaintiff to go home (95, 16)—, to this effect : Because the Defendant had by false representations induced the Plaintiff to come to China and placed his life in danger, because he had thereafter by slander and calumny procured his dismissal from an honorable post in the Imperial Service, and, after thus exposing him to starvation, manifested the deliberate intention, as proved by his appeal to Her Majesty in Council on demurrer, to *keep* the Plaintiff's life exposed, as long as practicable, to the combined effects of a bad climate and of want,—that *therefore*, and the Plaintiff having under *such* circumstances acquired the *prospective* opportunity, *should he survive until then*, of returning some day or other to Europe, this remote contingency ought with the Jury to prove a consideration *in the deceiver's and slanderer's favor* to lessen the moderate damages claimed by the sufferer of the wrongs inflicted on him : such an argument, we say, proposed by an English Judge, in an English Court of Justice, to an English Jury, is probably without a parallel in the annals of judicial proceedings.

5. We may, perhaps, as a further indication in support of our impression connected with his Lordship's charge to the Jury, mention the singular circumstance, that no copy of that address, so important in its bearing and influence on the decision of the Jury, has been included in the Record of the case, sent up to the Judicial Committee of Her Majesty's Privy Council.

6. The extent and attention, bestowed upon the redaction of the Judge's

Notes of the trial. We have not seen a printed copy. In the original Manuscript the evidence of the Plaintiff and of the Defendants occupies former about ten, the latter about twelve pages; whereas, in both printed newspaper-reports, the former extends to more than double-length of the former, which corresponds with the time taken up in delivery. In other words, his Lordship has devoted, proportionately, more attention to the deposition of the Defendant, than he has bestowed on that of the Plaintiff. The former is carefully digested, and reads tolerably clear, logical narrative; the latter is negligently done, and is frequently so disconnected as to render it difficult *not* to mistake its import. When the learned Judge makes the Plaintiff to say: "I told Mr. Hart and said I am determined to return to England under all circumstances. But I am in the service of the Chinese Government, and to save and myself I will perform them. I said as I was ready to starve for science before, so I was ready to starve for science again": who could possibly recognize herein either the spirit, the logic, or the grammar of the language of the Professor? The many modifications of statement, and positive errors which have crept into the Notes, are almost without exception in favour of the Defendant.¹

7. His Lordship, whilst disallowing the Plaintiff to refer at the trial

¹ Thus, according to the Judge's Notes, Mr. Campbell, in cross-examination, deposed: "I went to Paris the day after introducing the Professor to Mr. Hart. I was back about the 8th or 9th (August). I went away about the 10th". According to the report in the "North-China Herald", he stated: "I went over to Paris on the 4th of August. I am not sure as to the day of my return; about six days, I think from the day of departure"; according to the "Shanghai Evening Courier": "Next day (after the introduction), I went to Paris, and returned in five or six days. I do not know when Mr. Hart left for Ireland". Our own notes, taken at the time, agree with both reports, and in this, that Mr. Campbell mentioned neither the 8th or 9th (August), nor his going away on the 10th. Indeed, he deposed immediately afterwards "Between the 3rd August and the 13th I never told the Professor that I had spoken to Mr. Hart about certain questions (testimonials, salary, etc.)": he, therefore, admitted having remained in London up to the 13th, or, certainly, up to the 12th August; and as he avowedly did not "go away" till after Mr. Hart's departure for Ireland, which from Mr. Hart's own letter we have proved to have taken place in the evening of the 11th Aug., it is proved also that he did not leave London before the 12th or 13th August. As it happens, therefore, the Judge's Notes on this point in no way affect our previous argument (73, 8); but, were it not for Mr. Hart's private letter of August 15, 1866, in the Professor's possession (comp. 73, 4), it would have been very different. They might have decided the not unimportant point at issue against the Plaintiff and truth: for, strange enough, Mr. Goodwin's Notes assimilate here, with the difference of only one day, Mr. Campbell's evidence to that of Mr. Hart; or rather they do completely so, when considered in combination with another passage in

to a few memoranda which, unexpectedly informed on the preceding day that he would have to appear in the witness-box, he had from memory put down on a slip of paper, permitted the Defendant to refer, in regard to the conversation of the 11th June, 1868, to his remarkable Journal (74—75). Under ordinary circumstances this might have been permissible; but, after that Journal, which was asserted to have been kept "from day to day", and had been consulted as to the date of the Plaintiffs interview with the Defendant on "Friday, August the 3rd, 1866", had been found to stop suddenly on the 7th August, 1866, and knew no more than did Mr. Hart and Mr. Campbell themselves, whether on that day they had been in Paris or London, or at Jericho; when the Defendant declined a reference to the Journal from any other day, *except the 11th of June, 1868*; and it had been shown that already at that period he had made up his mind to free himself of the Professor of Astronomy by fair means or unfair (31—32), *so that there existed just cause to suspect that this particular entry in the Journal might have been dressed or—to use a vulgar term—"cooked" for the occasion*: we cannot but be of opinion that his Lordship's decision (80) was a highly improper one.

8. The learned Judge's ruling, that the Jury ought not to take into consideration, as being "quite ridiculous", the Plaintiff's nominal claim for

those Notes, according to which Mr. Hart deposed: "Campbell and I remained in Paris till 9th or 8th (August): left for Ireland, he thinks, on the night of the 9th". What Mr. Hart stated was, that he remained in Paris till the 7th or 8th.

When the Notes have it that the Professor said: "To me they (the lost Manuscripts) were worth much more than £8000": we must presume this specific sum to have been the result of Mr. Goodwin's own calculation. The "Professor of Mathematics" did *not* include £8000 in £3000 (comp. 95, 16). We wish, however, to allude to only one more feature of his Lordship's Notes. There originally occurred in them this passage as part of Mr. Hart's evidence: "I have had nothing disagreeable with Dr. J.....n. No other Professor has told me they were *disappointed* except the English, French, and Russian". In this passage the words: "*has told me they were disappointed*", have been struck out, and the words: "*were there*" inserted instead. As the passage stands thus "amended", it is positively senseless. The "Shanghai Evening Courier" reports correctly: "Nothing disagreeable and no *proposal of arbitration* arose out of the matter (with Dr. J.....n), *all the other Professors told me that they have been deceived*"; the "North-China Herald" erroneously: "None of the other Professors have told me they were deceived", but giving the term used by Mr. Hart, viz, "deceived", which Mr. Goodwin modifies into "disappointed", as he modifies the phrase "nothing disagreeable and no proposal of arbitration arose out of the matter" into "I have had nothing disagreeable with Dr. J.....n". Under these circumstances, the alteration in the text of the Judge's Notes appears to us to require explanation on his Lordship's part.

the loss of his Manuscripts, incurred in consequence of the Defendant's representations (95, 16).

9. His Lordship's ruling that the Defendant's Counsel be permitted to drag before the Court an *unpublished and unwritten* pamphlet, of which he had heard from somebody, who, or whose informant had been told by Mr. D..., to whom the Professor had mentioned it in a private conversation, and the learned Judge himself suggesting a motive in support of Mr. Goodwin's illegal proceeding, and *slanderosly insinuating* that the content of the future pamphlet might be intended by the Professor as an act of intimidation (95, 4).

10. The learned Judge's decision, illegal because *in opposition to the evidence produced and contrary to law, equity, and justice*, that a salary of £600 a year only—a tide-waiter's pay in Chinese service—had been promised in England by Mr. Hart to the Professor of Astronomy (above mentioned); that, consequently, the latter had no claim to a higher salary; and that the sum of £600, unconditionally paid by Mr. Hart, in October, 1868, to, and *bonâ fide* accepted by, the Professor as an annual *bonus* or additional salary for the preceding year, was virtually identical with a sum of £800, in November, 1869, by the *Tsung-li Yamên* placed at the Professor's disposal with, and payable at the option of, Mr. Hart, who decided not to pay it; and that Mr. Hart was therefore (!) entitled to *recall* his payment of £600 in October, 1868, and *deduct that sum, being the Professor's own money, from the amount of unpaid salary, which had since been due to him*:—the learned Judge being fully aware that in giving this decision on his personal responsibility, and disallowing the matter to the Jury, he was depriving the Professor of the means of subsistence and effectually prosecuting his suit against Mr. Hart.

97. However much of all this we might be disposed to attribute to Mr. Goodwin's assumed deficiency in judicial experience and capacity, and to the possible apprehension on his part lest, on account of Mr. Hart's supposed unpopularity in China, he, the Judge, should have laid himself open to the suspicion of yielding to the influence of public opinion: we are unable to resist the impression of a spirit of personal prejudice against the Plaintiff, of an undue leaning towards the Defendant, or both, pervading in a material degree his Lordship's proceedings. We are aware of no ground for such prejudice, on Mr. Goodwin's part, as we have just alluded to. True, shortly before the trial, the Professor published some strictures upon an article in the "*Chinese and Egyptian Hieroglyphics*", which the learned Judge

contributed to "Notes and Queries for China and Japan" (comp. above, p. 260, note), and had the misfortune to differ from him upon almost every essential point discussed in his paper. This may have been considered presumptuous by the author, since Mr. Hart's organ, "*the Cycle*", (for June 11, 1870), declared that "Mr. Goodwin's reputation as an Egyptologist is admitted by every literary circle in the civilized world". But we can hardly bring ourselves to believe, that Mr. Goodwin would have allowed a fair, though certainly not very favorable criticism of a fugitive production of his pen to materially influence the decisions of *the Judge*. The explanation, therefore, has to be sought elsewhere.

98. The Jury, having retired, on the second day of the trial, at 4h. 40m. P.M., returned at 5h. 30m. with a verdict, finding—

For the Defendant on the first count.

For the Plaintiff on the second count. Damages £1800.

For the Plaintiff on the third count, Tls. 176, as directed.

The finding on the first count is manifestly against the evidence produced (89). To what an extent in this, and in reducing the moderate damages claimed, the Jury may have been influenced by the non-legal elements of Mr. Hannen's pleading and the Judge's charge and remarks, it may be difficult to decide. It soon, however, transpired that four out of the five Jurors had been unanimous in desiring to award the full amount of damages claimed, and to find for the Plaintiff also on the first count; and that they had to compromise, as it were, their conviction in order to meet the dissentient views, obstinately maintained, of the remaining Juror Mr. W. H. Devine, a clerk in one of the Shanghai stores,—as the shops are here designated,—and a countryman of Mr. Hart's who, as we have previously remarked, is a native of Ireland. Thus concluded this civil trial, which had extended over *two* days.

99. Some days subsequently Mr. Hart obtained from the Court a rule *Nisi*, which was argued on the 26th April, 1870, before Sir Edmund Hornby, Chief Judge, and C. W. Goodwin, Esq., Assistant Judge; the judgment being delivered by the Chief Judge, on May 3, 1870, as follows:—

This rule was obtained on the following grounds:—

First, misdirection—the learned Judge not having directed the Jury that the representations referred to in the 7th, 8th, 9th, and part of the 11th paragraphs were privileged.

Second, misdirection—the Judge not having left to the Jury the question whether the said representations were wilfully false.

Third, as to the non-suit, on the ground that there was no evidence to go to the Jury that the said representations in paragraph 8 were wilfully false and that the verdict was against evidence.

We shall dispose of this application in the following order.

As to the non-suit. We think that, no points being reserved at the trial and there being clearly evidence to go to the Jury upon more than one point, we should be doing wrong in acceding to this portion of the application.

As to entering a verdict for the Defendant, as prayed for upon the paragraphs of the Plaintiff's petition, we should be doing equally wrong, as much as it appears to us that, upon the issues raised, the question of whether the representations made were privileged, or not, does not naturally arise out of the pleadings as they were placed before the Jury on the record. There is no plea of "not guilty"; and the Defendant, it appears to us, by the course which he has followed of traversing specific allegations in the petition, is held to have agreed to rest his case upon those only. It seems to us that it would embarrass the system of pleading, as it prevails in this Court, materially if a Defendant were allowed to traverse every material fact, and then, on the trial, to raise defences which he might have raised by a different form of pleading.

We come then to the chief ground, namely, that the verdict was against the evidence or against the weight of it, and in considering this, we shall assume that the Defendant has also asked us to reduce the damages given by the Jury on the issues arising out of the 7, 8, 9, and 11 paragraphs of the petition.

Practically there were four issues before the Jury.

1st. Whether there were any misrepresentations made in London.

2nd. Whether any wilful misrepresentations were made in Peking by the Defendant, in regard to the Plaintiff, which caused his dismissal by the Chinese Government.

3rd. Whether a sum of Tls. 176.20 was or was not due to the Plaintiff.

4th. Whether Defendant had received a sum of £700 for the use of the Plaintiff.

The Jury found on the first issue for the Defendant; on the second and third for the Plaintiff; and the fourth was withdrawn from their consideration by the learned Judge, there being no evidence to support it. We have to say only to consider whether, on the second issue, the verdict was against the evidence offered, or against the weight of it. The Counsel for the Defendant urged that the learned Judge was wrong in not leaving to the Jury the question whether the representations, mentioned in the paragraphs alluded to, were wilfully false. We think this was not necessary, for the Jury had the paragraphs before them which made up the issue, and which distinctly charged the Defendant with making wilfully false statements, and these embodied the issue, and they found their verdict for the Plaintiff on this count. The Judge, therefore, in fact, put the real issues sufficiently before them, for he called their attention to the issue, and in the issue the word "wilfully" was prominently used. Apart, therefore, from the question whether it would have been necessary for the false representations to have been wilfully made, we are of opinion that there is no ground for disturbing the verdict for the reason that the learned Judge omitted to make actual mention of the word "wilfully".

Then, as to the point as to whether the verdict was against evidence or against the weight of evidence. It must be recollected that this was an action of "Tort", in which greater latitude is allowed to Juries than in actions founded on contract. We agree with Mr. Bird that the Jury were right in looking at the second issue, as embodied in paragraphs 7, 8, 9, and 11 of the petition, and the traverses in the 13th, 14th, and 18th of the Defendant's answer; and to look at it as a whole. Now the evidence on this point was the effect that the Defendant, in a letter he wrote to the Tsung-li Yamén, on the 22nd September 1869, stated that the Plaintiff "had steadily declined to do any of the work that was allotted to him, and that the Plaintiff had resigned" or words conveying that meaning. With reference to that part of the letter, which he gave the Tsung-li Yamén to understand that the Plaintiff had resigned, the Defendant wrote another letter requesting the Tsung-li Yamén to lay aside the despatch about the Plaintiff's functions ceasing; but he does not appear

have withdrawn that part of it which states "that he had steadily declined, etc., and the Jury may have found that the sting of the despatch was in this misrepresentation. This report he might have produced, if he had thought fit, and it might have satisfied the Jury that it contained no misrepresentation. We cannot, and are not inclined to estimate the effect its non-production may have had on the minds of a Jury. It then appears that the Plaintiff wrote to the Defendant informing him that as he, the Defendant, refused to settle the differences between them by fair arbitration, or amicable arrangement, that he should proceed to Shanghai with a view of obtaining a legal decision. He also requested the Defendant to inform the "Yamèn" of the cause of this, *his temporary absence*, to which he assumes there would be no objection, as the Defendant had previously informed him that there was nothing for him to do in the way of his professorship, and it does not appear that he was told not to go, or that by going he would imperil the interests of the College or forfeit his position in it.

Then there was the letter of the Tsung-li Yamèn to the Defendant, which informed him that, in consequence of a foregoing report, alluding to some report made by the Defendant on the 28th November 1869, which the Defendant did not produce, the Tsung-li Yamèn had decided to dismiss the Plaintiff. What report this was, or how far it was limited to a mere reiteration of the reasons stated by Plaintiff for his leaving for Shanghai, does not appear; and its non-production by the Defendant, coupled with the fact that there had been one or two misrepresentations to the Yamèn in the first despatch, may have induced the Jury to believe that the misrepresentations first made were followed by others equally false, and that they resulted in the dismissal of the Plaintiff. In their minds the first misrepresentation may have laid the foundation of the injury afterwards inflicted; and the exact nature of the second representation not being clear, they drew an inference unfavourable to the good faith of the Defendant.

There was therefore evidence for the Jury; it was for them to estimate its value. They had the advantage of seeing and hearing the witnesses; from the case, as presented to them on both sides, they were in a position to judge whether any, and what misrepresentations were made, whether false or justified by facts, and whether they resulted in an injury to the Plaintiff.

The learned Judge who tried the case states, that in his opinion, there was sufficient evidence on which the Jury could base a verdict, and that he is not dissatisfied with the principle of that verdict, although he might not have arrived at the same result; neither perhaps should I, if I had heard the case. We think that it is most important, *especially out here*, for Judges not to interfere with the province of a Jury, except a verdict is evidently perverse. It may be that a Jury, in cases of this kind, often jump at a conclusion, at which lawyers and trained professional men would not arrive. The justice they administer is often rough and ready; but, without the advantage of a full Court consisting of four or five Judges, we think that such interference, which might in practice be that only of the Judge who tried the case, would be to allow the opinion of the Judge on questions of fact to over-ride that of the constitutional tribunal.

We are not prepared to run this risk. In all probability there will in the future be only one Judge at Shanghai, and we think we should be introducing a most inconvenient precedent, and one fatal to the legitimate functions of a Jury, were we to decide that the Judge who tried a case might, as it were, sit in appeal on the verdict of a Jury. It would render trial by Jury a farce. If the parties are willing, they can leave the case to the Judge on questions of fact as well as of law; but when they are unwilling so to leave it, no practice ought, in our opinion, to sanction the taking of the opinion of a Jury which would open the door to a revision of such an opinion by a single Judge.

We therefore dismiss the Rule with costs.

Thus the case was concluded, so far as the legal action in Shanghai concerned.

100. Mr. Hart, however, although, in the rhetoric of his Counsel Hannen, "he had indignantly rejected the Professor's propositions for amicable settlement, as every right-minded man would have done, and that the matter *must go to a Jury*" (95, 15), was anything but prepared to abide by *the Jury's decision*, as, independently of the above appeal, the following documents will show:—

Shanghai, the 4th day of May, 1871

The defendant by his Counsel moves for leave to appeal to Her Majesty's Council against the judgment delivered the 3rd day of May inst. upon the appeal obtained by the defendant on the 23rd day of April last.

(Signed) NICHOLAS J. HANNEN

The defendant having paid into Court the sum of seven thousand two hundred and eighty seven $\frac{41}{100}$ taels in accordance with the terms of an order made in this cause dated the 18th day of April last, and having also paid a further sum of one thousand eight hundred and eighty seven $\frac{50}{100}$ taels as security for costs and for the due prosecution of the appeal, it is ordered that the defendant have liberty, and leave is hereby granted to him, to appeal to Her Majesty's Council against the judgment of this Court delivered on the 3rd day of May last.

Supreme Court, May 18, 1871. (Signed) EDMUND HORSER,
Ch. Judge.

The sum of Taels 7287 $\frac{41}{100}$ includes the taxed costs of the trial, and the sum of 176, acknowledged by Mr. Hart to be due to the Professor, but against payment of which he yet appeals to Her Majesty in Council.

101. The Defendant's further proceedings were these. Early in May 1870, he despatched his witness, the Chief Secretary of the Inspector-General of Chinese Maritime Customs, Mr. Campbell, to England for the purpose of conducting, at the expense of the Chinese Exchequer, his appeal to the Privy Council, whilst keeping the Professor, deprived of all pecuniary means, at Shanghai. It was only after the lapse of five months, that—

Shanghai, 8 October, 1870

The defendant by his Counsel moves the Court that the Record of Appeal in this case be forwarded to Her Majesty in Council.

(Signed) NICHOLAS J. HANNEN, Counsel for Def.

And after the lapse of another six months, when the case was about to be taken into consideration by their Lordships,—

Shanghai, the 15th April, 1871.

The Defendant moves for leave to appeal to Her Majesty in Council against the order and decision of this Honorable Court upon the demurrer to the Defendant's Pleas in the above cause delivered the 29th day of March 1870 and for leave to amend the Record of the Appeal in this cause accordingly.

(Signed) WM. HARWOOD, Solr. for Def.

Mr. Hannen had in the mean time been appointed Acting Assistant-Judge for Japan, *but in this new capacity still continued to conduct the case, and to act as Mr. Hart's Solicitor.* Mr. Harwood only acted under his instructions. Mr. Hannen *pretended* to have been under the impression that his motion for appeal on the demurrer, which he had deliberately dropped *one year previously* (70), had been duly prosecuted at the time. The now Acting Chief Judge, C. W. Goodwin, Esq., heard the motion in Chambers on April 19, and delivered the following judgment:—

In this cause, now under appeal to the Privy Council, Mr. Harwood applies for leave to appeal from an order made upon a demurrer dated 29th March, 1870, and to amend the Record of Appeal accordingly.

It appears that a motion for leave to appeal from this order was filed on the 5th April, 1870, but no order was made upon this. The cause came on for hearing on the 14th day of April, and the verdict being against the defendant he moved to set it aside. Upon the hearing of this motion, leave to appeal from the judgment (delivered the 3rd of May) was granted, and it was this appeal of which the Record was transmitted to the Privy Council. The appeal from the judgment on the demurrer appears to have been dropped. There is no evidence before the Court, that there was any mistake or oversight in the matter, and at this distance of time it would be against the ordinary practice and rules of the Court to give leave to appeal from it. As the Record of the actual Appeal is in the hands of the Privy Council, it appears to me, that application to amend it should be made to that Court if it so think fit. I must therefore discharge this rule with costs.

Here, again, his Lordship somewhat overstepped the province of the Judge and acted the part of Counsel for the Defence, by recommending that application for leave to amend the appeal should be made to Her Majesty in Council.

102. Accordingly, the application was made, and by a decision, dated "At the Court at Windsor Castle", 29th June, 1871, Her Most Excellent Majesty in Council orders as follows:—

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 19th of June 1871 in the words following, *viz*:—

Her Majesty having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said Robert Hart be and the same is hereby allowed to appeal against the said Order of the Supreme Court for China and Japan of the 29th March 1870, and that his said Appeal from the said Order on the Demurrer do come on for hearing at the same time as his Appeal from the order of the 3rd May 1870 now pending before Her Majesty in Council and as part of the same. Whereof the Judge or Acting Judge of Her Majesty's Supreme Court for China and Japan for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed)

ARTHUR HELPS.

Thus, the long vacation being at hand, and the case being placed at the bottom of the list of Chinese Appeals, it is not likely to come up again for

hearing before the end of the year, and Mr. Hart **had succeeded** in its decision for at least a year and a half after the **Jury**, to whose judgment he so intensely burned to submit (95, 15), had given **its verdict**.

103. The order of Her Majesty's Privy Council, *of itself*, is per founded in reason and unexceptionable, *provided it lead to the result of "complete justice being done between the parties"*, with a view to it was unquestionably issued, and, it is said in Mr. Hart's humble prayer applied for. The latter assertion we have good and **solid grounds** for making. These grounds are chiefly: 1—The whole course of proceedings on the part of the Defence shows unmistakeably, that its **object was**, not justice done, but to defeat the ends of justice. 2—The **verdict** of the Court on the first count, being in favor of the Defence, although in palpable contradiction to the evidence produced, this part of the verdict was not intended by the Defence in its appeal to Her Majesty's Privy Council. 3—Report of the Lords of the Judicial Committee of Her Majesty's Privy Council, advising Her Most Excellent Majesty to grant the Appeal, petition for special leave to appeal from the decision of the Supreme Court at Shanghai of March 29, 1870, (70), was obtained by the Petitioner, Robert Hart, on the ground of false statements, tending to mislead their Lordships as to several important points of the true merits of the case. The Order of the Privy Council contains the following words:—

"YOUR MAJESTY having been pleased by Your General Order in Council the 29th November 1870 to refer unto this Committee the matter of an Appeal from the Supreme Court for China and Japan between Robert Hart Applicant and Johannes von Gumpach Respondent and likewise a humble Petition of Robert Hart of Peking in the Empire of China setting forth that a Petition on the 22nd day of February 1870 filed against the Petitioner in Your Majesty's Supreme Court for China and Japan by Johannes von Gumpach: that the Petition contained several paragraphs charging the Petitioner with having induced the said Johannes von Gumpach by fraudulent representations to proceed from England to China and to accept the office of Professor in the Tsin-Wén-Kuan a college established by the Chinese Government for the teaching of the Western sciences, and that the cause came on for trial on the 13th of April 1870 before G. W. Goad Esquire one of the Judges of the said Court and a Jury: that the Committee of the Petitioner on the hearing of the said Cause contended that the Representations made to the Chinese Government by the Petitioner were privileged communications having been made by the Petitioner in the course of his duty as Official of the Chinese Government: that the learned Judge in summing up the case to the Jury did not direct them that communications made to the Chinese Government by the Petitioner in the course of his duty were privileged but only left it to them to say whether the Petitioner by representing that the said Johannes von Gumpach was absent from Peking when he was wanted made a false statement, and whether the Chinese Government dismissed him in consequence, saying that it was for the Jury to consider whether the representations were warranted by circumstances: that the Jury returned a verdict for the

Petitioner upon the charges of fraudulent representation but returned a verdict for the said Johannes von Gumpach as regards the charges contained in the 7th 8th and 9th paragraphs of the Petition hereinbefore set forth and assessed the damages at £1800: that the Petitioner having obtained a Rule for a New Trial on various grounds and amongst others on the ground of misdirection in that the learned Judge did not direct the Jury that communications made by the Petitioner to the Chinese Government in the course of his official duty were privileged the Rule came on for argument before the said Supreme Court and the said Court determined on the 3rd May 1870 that at the time of the hearing of the said Cause there was no plea on the Record raising that question and (having also determined the other points raised against the Petitioner) they on the 3rd May 1870 ordered that the Rule obtained by the Petitioner should be discharged with Costs: that the Petitioner feeling aggrieved thereby petitioned for and obtained leave to appeal to Your Majesty in Council from the said last mentioned Order of the 3rd May 1870 and the Petitioner is prosecuting and intends to prosecute his said Appeal: that the Petitioner is advised that the said paragraphs of his answer setting up the 'privilege' having been struck out by the said Order of the 29th of March 1870 it is expedient with a view to complete justice being done between the parties that the Petitioner should be in a position to Appeal from the said last mentioned Order and to contend on the hearing of the said Appeal from the said Order of the 3rd of May 1870 that the said prior Order of the 29th of March 1870 was wrong in point of law and humbly praying that Your Most Excellent Majesty in Council will be pleased to order that the Petitioner shall have special leave to appeal from the said Order of the said Supreme Court of China and Japan of the 29th day of March 1870 or to make such further or other Order as to Your Majesty in Council may seem just and proper THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said General Order of Reference have taken the said humble Petition into consideration and their Lordships do agree humbly to report to Your Majesty that the Petitioner Robert Hart ought to be allowed to appeal against the said Order of the Supreme Court for China and Japan of the 29th March 1870 and that his said Appeal from the said Order on the Demurrer do come on for hearing at the same time as his Appeal from the Order of the 3rd May 1870 now pending before Your Majesty in Council and as part of the same".

The false statements, embodied in the Defendant's, Mr. Hart's, petition to Her Majesty in Council are:—

1. That the Plaintiff's petition of February 22, (as amended on March 22), 1870, filed against the Defendant in the Supreme Court at Shanghai charged him with having induced the Plaintiff by fraudulent representations to accept the office of Professor in the *T'ung-Wên-Kuan* a college established by the Chinese Government for the teaching of the Western Sciences.—The Plaintiff's petition, which we transcribe in the succeeding art. 104, will be found to contain no such charge. The object of Mr. Hart's false statement manifestly is, to establish *a priori* before the Privy Council the following points at variance with the truth, to represent the Plaintiff as having, himself, brought them forward, and, by imbuing the minds of THE LORDS OF THE JUDICIAL COMMITTEE with his impression, to influence and mislead their Lordships' judgment, viz: 1—That the Plaintiff "accepted the office of Professor in the *T'ung-Wên-Kuan*", the modern use of the term "Professor"

being a somewhat latitudinarian one, and quite admitting of application to the *actual* T'ung-Wên-Kuan, as previously described (88, 1). The Plaintiff was appointed by the Defendant to "the (Professor's) Chair of Mathematics and Astronomy" in a *projected* Government "College" (or University) of Western Science and Learning" (88, 2). This was the office he accepted in London. In his "letter of appointment", sent him by the Defendant from Lisburn, the Chinese words *T'ung-Wên-Kuan* designating, unknown to the Plaintiff, an existing private "Ling-nan School" of the Tsung-li Yamên, of the existence of which the Plaintiff had been left in complete ignorance, were *fraudulently* substituted for the projected College or University by the Defendant (88, 3, comp. 104, 1). That the *T'ung-Wên-Kuan* is "a College", or a University; which it is not, and never has been (87—3—4). 3—That the T'ung-Wên-Kuan is a College "established by the Chinese Government". The *T'ung-Wên-Kuan* was established in 1862, with the mere sanction of the Chinese Government, established the Tsung-li Yamên" (see 87, 2), as a private school of its own (10; 87, 4—4—That the *T'ung-Wên-Kuan* is a College, established "for the teaching of the Western Sciences". The *T'ung-Wên-Kuan* was, established for the purpose of instructing a few Chinese lads in Russian, French, and English, qualifying them for the post of Interpreters to the Tsung-li Yamên (10; 87, 4—4—

2. That, at the trial on April 13—14, the Counsel for the Defendant contended, that the Reports made to the Chinese Government by the Defendant were privileged communications, having been made by the Defendant in the course of his duty as an official of the Chinese Government". All that Mr. Hannen, in applying for a non-suit, remarked was, according to the Report in "the North-China Herald", that "He might further argue, that the communications" [that the "Plaintiff had reigned", and that he "had been in Peking on the 28th (November) without leave"] "were privileged" and therefore not actionable"; according to the Report in the "Evening Courier", that: "He might add further, that both those communications to the Yamên were privileged; but he thought his previous argument was sufficient to sustain his plea". Mr. Hannen, therefore, did not "further argue" that the two communications in question were privileged. So is indeed, from this being the case, what he "contended" was, that Mr. Hannen "felt, the matter MUST go to a Jury" (95, 15). We thus find, that the Plaintiff had *bonâ fide* accepted the judgment of the Supreme Court of Shanghai of March 29, 1870; and deliberately given up his intention to prosecute the motion of April 5, 1870, for leave to appeal to Her Majesty:

in Council against that order and decision (70). We may add, that both the "communications" from the Defendant to the Tsung-li Yamên, of which his petition to Her Majesty in Council speaks, namely, that "Plaintiff had resigned" and "left Peking on the 28th without leave", constitute but very secondary and trivial elements of the charge against him, *viz.*, the Defendant falsely informing the Tsung-li Yamên, that the Plaintiff had "steadily declined to do any of the work that was allotted to him" (45), *i.e.* to perform his duties, and thereby and by further false representations (49) inducing his dismissal on the part of the Tsung-li Yamên (51). Lastly, the Defendant's Counsel did *not* remark that the communications, to which allusion is made, were made to "the Chinese Government", but, what is a very different thing, to the Tsung-li Yamên (87, 2); *nor* did he remark at all, that they were "made by the Defendant in the course of his duty as an Official of the Chinese Government". The *object* of the false statement, here under consideration, obviously is to establish *à priori* before the Privy Council the following points at variance with the truth, and, by imbuing the minds of THE LORDS OF THE JUDICIAL COMMITTEE accordingly, to influence and mislead their Lordships' judgment, *viz.*: 1—That it had *always been the intention* of the Defendant to prosecute his motion for leave to appeal to Her Majesty in Council against the decision of the Supreme Court at Shanghai of March 29, 1870, and that its non-prosecution was purely accidental; whereas the original intention had been *deliberately abandoned*. 2—That the Tsung-li Yamên is identical with the Chinese Government; which it is not. 3—That the Defendant is an official of the Chinese Government; which he is not.

3. That the Defendant "obtained (from the Supreme Court at Shanghai) a *Rule for a New Trial*"; and that "the Rule", *i.e.* the *New Trial*, came on for argument and hearing before the said Court on the 3rd May, 1870".—No such Rule was obtained, and no such New Trial took place. A Rule *Nisi* was obtained on the 30th April and, on the 3rd May, 1870, dismissed with costs (99). *Against this Order alone the Defendant appealed to Her Majesty in Council*; and as the appeal simply comprehends the legal question: Whether the said Rule *Nisi* was, or was not, dismissed on proper and valid grounds: the *object* of the Defendant, in falsely stating the Rule *Nisi*, obtained by him, to have been a Rule for a New Trial, was obviously to mislead THE LORDS OF THE JUDICIAL COMMITTEE as to the true state of the case, with the view of inducing their Lordships to advise Her Most Excellent Majesty in Council to grant the Defendant's petition.

4. That the learned Judge, in summing up the case to the Jury (April 14, 1870,) should have directed them that "*communications with the Chinese Government by the Defendant in the course of his duty are privileged*".—Independently of the utter untenability, not to say silliness, of the abstract general principle, here laid down by the Defendant's learned Judge had no reason to direct, and could not have directed the Jury in the sense indicated. Because:—The Defendant's lawful duty as Head Inspector of Chinese Foreign-Maritime Customs in the service of Tsung-li Yamên—and he had no other lawful duties to perform—was entirely unconnected with the Plaintiff and his conduct. 2—It had never been argued by the Defendant's Counsel, in the course of his plea, that any communications, made by the Defendant, were privileged. The term "privilege" or "privileged" does not even occur in his plea (66, 21–24). 3—No communications regarding the Plaintiff were by the Defendant made to the Chinese Government; they were made to Tsung-li Yamên. 4—The Defendant, not being in the service of the Chinese Government (87, 2, 8; 93, note), had no communications with it "in the course of his duty".

5. That the learned Judge left to the Jury to say *only*, whether the Defendant, by representing that the Plaintiff was absent from Peking when he was wanted, made a false statement, and whether the Chinese Government dismissed him in consequence, saying that it was for the Jury to consider whether the representations were warranted by the circumstances.—A reference to the Judge's charge to the Jury (96) will show this statement to be untrue. It is a false assertion, also, that the Plaintiff was dismissed by the Chinese Government. He was dismissed by the Tsung-li Yamên (51).

104. The amended petition of the Plaintiff, filed in the Supreme Court at Shanghai on March 25, 1870, reads as follows:—

1—That in the month of August 1866, the Defendant, then being in London, represented to the Plaintiff then also being in London, that he the Defendant was entrusted by the Chinese and English Governments with the foundation of a College and Observatory at Peking in the Empire of China, that the said College was to be an Institution for the teaching to the Chinese of Western Sciences and Learning with a view to the regeneration of China, and that the Defendant was authorized to procure therefor a library and to appoint thereto Professors in various branches of Sciences and Learning.

2—That in consequence of and relying upon the said representations of the Defendant the Plaintiff applied to the Defendant for an appointment to the said College at Peking in a letter bearing date the 3rd day of August, 1866.

3—That the Defendant in a letter bearing date Lisburn the 15th August 1866, informed the Plaintiff that he had been selected for appointment to the Chair of Mathematics and Astronomy in the T'ung-Wên-Kuan at Peking, and that his salary would commence at the rate of one thousand eight hundred

Haikwan takes a year (£800 Sterling) from the date of his departure from Europe, and that he the Plaintiff should take his passage to Shanghai without delay.

4—That relying upon the said representations of the Defendant and also on further representations of the Defendant that on the Plaintiff's arrival at Peking the amount of his salary would be settled to his entire satisfaction and that he would probably be appointed President of the said College and also President or a member of the Board of Astronomy, and believing that the words *T'ung-Wên-Kuan* used in the said letter of the Defendant mentioned in the last paragraph related to and in point of fact meant the said College and Observatory which the Defendant represented himself to be entrusted with the foundation of by the Chinese and English Governments, the Plaintiff accepted the said appointments, left England, proceeded to China, and arrived at Peking on or about the 22nd day of November, 1866, and forthwith signified to the Defendant his readiness to enter upon his duties in connection with the said alleged College and Observatory.

5—That in truth and in fact at the date of the said arrival of the Plaintiff at Peking the said College and Observatory had no existence, nor had the said Defendant then or at any time before or subsequently thereto any authority from the Chinese ^{and} or English Governments to found the same or to procure therefor a library or to appoint thereto Professors in various branches of Sciences and Learning of which the said Defendant was well aware at the time of his making the said representations to the Plaintiff.

6—That the Plaintiff remained at Peking from the date of his arrival in November, 1866, till about the 23th November, 1866, and that during the whole of this period no steps whatever have been or were taken by the Defendant towards the foundation of a College, Observatory, or Library, nor has the Plaintiff ever been called upon by the Defendant or any other person to perform any duties whatsoever.

7—That on or about the 22nd day of September, 1869, the Defendant wilfully and falsely represented to the Tsung-li Yamén or Foreign Board at Peking that the Plaintiff had asked to be relieved from his duties and declined to perform them.

8—That the Defendant further wilfully and falsely represented to the said Tsung-li Yamén, that the Plaintiff had absented himself from Peking at a time when his active services might be required in the said College.

9—That in consequence and by reason of the said wilful and false representations of the Defendant mentioned in the two preceding paragraphs an intimation was sent by the said Tsung-li Yamén to the Plaintiff that his services were no longer required.

10—That the Defendant in a letter to the Plaintiff bearing date the 20th day of October, 1869, alleges that the Plaintiff was in the service of the Imperial Government (of China) from the 15th August 1866 to the 30th September 1868, and that he the Plaintiff is not any longer in the service of that Government and the Plaintiff has been unable to obtain any pay, salary, or compensation since the said 30th day of September, 1868.

11—That the Plaintiff has in consequence of the wilful misrepresentations, fraud, slander, and deceit of the Defendant suffered great pecuniary loss, personal inconvenience, and been prevented from continuing those researches in Astronomy and Sciences on which he was previously engaged, and has otherwise been greatly injured, and claims as damages the sum of £3000.

12—That the Defendant is indebted to the Plaintiff in the sum of £700 for

Under this Count the Plaintiff seeks the recovery of £700 Sterling being the whole or a portion of a sum of money entrusted to the Defendant by the Chinese Government or other persons for the pay, salary, and remuneration of the Plaintiff.

money payable by the Defendant to the Plaintiff for money had and received by the Defendant for the use of the Plaintiff and for money found to be due from the Defendant to the Plaintiff on accounts stated between them.

And the Plaintiff therefore prays that the Defendant may be ordered to pay to the Plaintiff the said sums of £3000 and £700 respectively together with the costs of this suit and that the Plaintiff may have such other and further relief as the nature of the case may require.

The Defendant to this Petition is } (Signed) R. T. RESSLE
Robert Hart a British subject in }
the Employ of the Imperial Chi- }
nese Maritime Customs. }
Counsel for the Plaintiff

Every one of the facts, alleged in this petition, for the particular words which, we need not remark, the Plaintiff's Counsel is responsible, has its intents and purposes been fully proved in the preceding pages, and it is no venture to think, so as to satisfy the minds of even the most scrupulous of our readers.

105. The present state, then, of the law-suit, pending before Her Majesty's Privy's Council between the Professor and Mr. Hart, is as follows. On the 22nd March, 1870, a preliminary trial took place at the Supreme Court of Shanghai on a Demurrer to certain paragraphs of the Defendant's answer to the Plaintiff's petition, alleging that the Defendant, being a British subject, in his capacity of a servant of the Chinese Imperial Government was *not amenable to British Law* for any wrongful acts, he might have committed, or commit, in the said capacity against another British subject. Judgment in this action was delivered on March 29, 1870, by the Chief Judge Sir Edmund Hornby, against the Defendant, with costs (70). On April 5, 1870, Defendant moved for leave to appeal to Her Majesty's Council against this judgment; but *allowed the motion to drop*.

On the 13th and 14th April, 1870, the chief cause was tried before the Assistant Judge, C. W. Goodwin, Esq., and a Jury of five. The action comprehended three counts: 1—False representations in England. 2—False and slanderous representations in China. 3—A money count for the recovery of £700 due to the Plaintiff for salary; of which a sum of £100 and one of Peking Taels 185 were by the learned Judge with drawn from the consideration of the Jury; leaving a balance only of Shanghai Taels 176²⁰⁰. Damages, claimed under the two first counts, £3000. On the part of the Defence, efforts and means were used to obtain a verdict in Mr. Hart's favor (73-86; 95, 1), such as, seconded by other circumstances (96, 1-10), as to let us hope, rarely witnessed in an English Court of Justice. Still, the Jury returned a verdict for the Plaintiff on the money-count, and, on the second count, Damages, £1800; but, ill-directed by the learned Judge (96, 3), and in palpable contradiction with the evidence, on the first count for the Defendant. Four out of the five Jurors are understood to have been unanimously of opinion that a verdict for the Plaintiff ought to be returned.

on all three counts, together with the full amount of Damages claimed ; the only and obstinately dissenting Juror being a countryman of the Defendant, (an Irish gentleman). *No motion for leave to appeal to Her Majesty in Council against this verdict was made.*

On April 26, 1870, there was argued before the Supreme Court a Rule *Nisi*, obtained by the Defendant, to show cause why that part of the Jury's verdict, which was in favor of the Plaintiff, should not be set aside, or why, relative to it, a new trial should not be granted. The Defendant's Counsel, Mr. Hannen, "on rising, wished to know if the Court would entertain the question of privilege, as, if not, he would not occupy the time of the Court in arguing the point. This question of privilege had been *the great point during the trial*"—it was never argued at the trial—"and he maintained he *had raised it at the trial*," which he had not done (comp. 103, ²). "The Court intimated an opinion that the point would raise a fresh issue not fairly arising out of the pleadings as they stand, and could not be entertained. Mr. Hannen then proceeded to argue that the verdict was against the evidence" (Report of the case in the "North-China Herald for April 30, 1870). On May 3, 1870, Judgment was delivered by the Chief Judge, Sir Edmund Hornby, dismissing the Rule, with costs (99). *Against this decision the Defendant moved for, and obtained on May 5, 1870, leave to appeal to Her Majesty in Council* (100).

On April 15, 1871, the Defendant moved by (his Counsel Mr. Hannen, Acting Assistant Judge for Japan,¹ represented by) Mr. Harwood, for leave to *amend* the Record of the Appeal. The application had to be dismissed, with Costs, by the Acting Chief Judge, Mr. Goodwin (101); who, however, recommended the Defendant to direct his application to Her Majesty's Privy Council.

On June 29, 1871, Her Most Excellent Majesty in Council, by the advice of the Lords of the Judicial Committee, granted to the Defendant *special leave to appeal*, on the ground of "expedience", and with the view to "*complete justice being done between the parties*", as the Defendant's petition, theoretically, has it. Strange enough, however, the same petition did apply, practically, for *partial* justice only, namely in favor of the *Defendant*; and, more singular still, based its prayer to that end on a series of *wilfully false statements*.

¹ The instructions were sent to Mr. Hannen telegraphically by Mr. Campbell, Mr. Hart's witness and agent, who is conducting the appeal in England, and to whose proceedings the Professor's attention has been called from more than one quarter.

106. Under these circumstances, it appears to us that there are two courses open for THE LORDS OF THE JUDICIAL COMMITTEE OF HER MAJESTY'S PRIVY COUNCIL to pursue, namely, either to reconsider the Defendant's petition, to advise Her Most Excellent Majesty to rescind the special leave to appeal granted to the Defendant, and to proceed to the hearing of the case, irrespective of 'the privilege' question; or else to take a view to "*complete justice being done between the parties*," which naturally and necessarily include the consideration of the Jury's verdict on the first count, contrary to the facts of the case and in consequence of the learned Judge's misdirection given in *Defendant's* favor, to give some legal form to this end. No one can be more anxious to see "*complete justice done*" between Mr. Hart and himself, than is the Defendant. To him the attainment of this object is paramount to all other considerations. But *justice* should not only be the object: it should be the way also to arrive at that object. It has not been the Defendant's intention. THE LORDS OF THE JUDICIAL COMMITTEE, therefore, before in their deliberations deciding upon the course to be pursued, will have to take into consideration, it seems to us, the following points:—

1. The Defendant, by declining and evading, on the most unbecomingly and frivolous grounds, the Plaintiff's repeated propositions for fair arbitration or an honorable amicable settlement, has thereby, and in many ways shown that his real object is not justice and equity, but oppression and delay; and, having forced the Plaintiff to have recourse to the aid of the Law the Defendant should be held to abide.

2. The Defendant having, for a long space of time following upon the trial, *deliberately and intentionally* relinquished his application of April 1870, for leave to appeal relative to 'the privilege' question, had thereby waived every claim to Her Majesty's favorable consideration of his subsequent petition for *special* leave to appeal,—a petition conceded, not on any ground of legal right, but on that of "*expediency*." But that the Defendant's original intention to appeal on 'the privilege' question, had been deliberately abandoned between the 5th April, 1870, and the 15th April, 1871, that is to say, for a space of time exceeding twelve months, is plain for the following reasons: 1—The motion of April 5th, 1870, was not followed up within the time prescribed by law. 2—At the trial on April 13—14, 1870, the Defendant, of 'privilege,' (more correctly speaking, of non-amenability to English Law) on the part of the Defendant,) so far from being argued, was by implication positively relinquished by his counsel (103, 2). 3—No motion for leave

appeal against the verdict of the Jury, returned on April 14, 1870, was entered by the Defendant and, consequently, that verdict was accepted by him, and the originally contemplated appeal on 'the privilege' question definitely abandoned. 4—In the course of the argument on the Rule *Nisi*, on April 26, 1870, the Defendant's Counsel, although he alleged to have raised 'the privilege' question at the trial,—which he had not done,—*submitted to, and accepted,* the view of the Court, that the Court could not entertain the question of privilege (105). 5—It being, under these circumstances, simply impossible that the Defendant's Counsel could, as he alleged, have been under the impression, when moving, on April 15, 1871, for leave to amend the appeal, and *with the Judge's Order for leave to appeal against the judgment of May 3, 1870, under his eyes,* that the motion for leave to appeal of April 5, 1870, had been duly prosecuted: it follows, that until April 15, 1871, it had been *deliberately and intentionally* relinquished. 6—In fact, '*the privilege' question had, properly speaking, never been raised by the Defendant.* For, on reference to his answers (66, 21—24) to paragraphs 7, 8, and 9, of the Plaintiff's petition (104), it will be seen, that they certainly state certain dry alleged facts, *but that the Defendant fails to state any legal conclusions as following from them*; and hence, the Plaintiff's Counsel had to rest his argument on *the mere presumption*, that the 'privilege' question—that "great point during the trial" (105)—*was meant to be embodied in those answers.*

3. The Defendant, having approached the Throne with a petition, based on untrue statements tending to pervert the course of public justice, has thereby, it appears to us, committed a grave offence against the Majesty of the Law, as represented by Her Most Excellent Majesty the Queen in Council, and the Lords of the Judicial Committee. Would it not be subversive of the very highest principles of Law and Justice, were such an offence allowed to pass, the offender permitted to enjoy the benefit of his offence, and an Order, on the ground of false representations obtained from Her Majesty in Council by the advice of the Lords of the Judicial Committee, suffered to remain unrescinded?

4. The character of the evidence on oath, given at the trial by the Defendant and his witness, Mr. Campbell, viewed both separately and combinedly, as previously exposed (72—84; comp. 71; 65, and p. 756 note), appears to us to claim the most earnest consideration of their Lordships. So also the character of the pleading of Defendant's Counsel, Mr. Hannen, (66—69; 95, 1—16), and the decisions and the charge to the Jury of the learned Judge, Mr. Goodwin, who presided at the trial (96).

5. The procrastination, malice, and vindictiveness, which have marked the proceedings of the Defendant and the Defence, and unnecessarily tailed on the Plaintiff great and prolonged hardships and privations to his health, and exposed his life to danger, demand next, it seems to us, Lordship's serious attention. That the Defendant should, after obtaining leave to appeal, have allowed five months to elapse before applying to the Supreme Court to have the Record of the case forwarded to Her Majesty's Privy Council, and a period of *twelve months*, before discovering that, having deliberately relinquished his motion for leave to appeal on the 'privilege' question, he had *not* intended to relinquish it, sufficiently prove that *delay was the object* of the Defendant in thus procrastinating. The motives herein may be inferred to have been three, *vis*: to put off as long as possible the decision of the Privy Council, in the anticipation of its being given in favor of the Plaintiff; to employ in the interval such means as money, its auxiliaries, and his witness and agent (Mr. Campbell) despatched without delay, to England in the first days of May, 1870, may have been able, and be able, to command, in order to procure the Professor's dismissal, and the desire to gratify his malice and vindictive feeling towards the Plaintiff. As proofs of the existence of such a feeling on Mr. Hart's part, we need here only point to the insulting tone of the concluding sentence of his letter to the Professor of October 15, 1868, (35), his libellous note regarding the Professor of May 5, 1869 (p. 668, note), his stealthily seeking to procure, and procuring, the Professor's dismissal by the Tsungli Yamen on a charge which he *knew* to be false (91, 1), and—by even withdrawing from him and appealing to Her Majesty in Council against the payment of that paltry fraction of his pecuniary debt to the Professor, which he found it out of his power to deny—to consign, so far as he was concerned, “a man of genius and original research,” whom by false representations and deceitful promises he had allured away from his scientific pursuits to his resources in Europe, to legal helplessness and starvation, and the decline of Shanghai.¹ In the spring of 1871, the Professor was seized with a:

¹ In the “North-China Daily News” for September 29, 1871, we read: “We may at last fairly congratulate ourselves upon the breaking up of the Summer. It has been a trying season...The fortnight, which immediately preceded the change of Thursday was as trying a time, as we ever recollect to have passed through. The days were specimens of the most objectionable Shanghai type, and the nights were simply unendurable. We tossed to and fro in our beds, we rose and sought relief in every possible way—all to no purpose”.

² Whilst talking to a friend, who was seated in an open carriage, on the Heights

den and serious attack of illness, peculiar to that climate,² and it remains yet to be seen whether its effects will prove chronic, or temporary only. We verily believe, that Mr. Hart's policy of delay did not exclude a hope of more fatal consequences arising to the Professor from his forced stay at the mouth of the Yang-tse.

6. Lastly, it will be for their Lordships to consider, whether,—having regard to the merits of the case and the particular circumstances, to which attention has been called in what precedes, combined with the verdict of the Jury on the first count given in favor of the Defendant, it has to be presumed, in consequence of the Judge's misdirection,—an appeal, against the other part of the verdict, from the decision of the Supreme Court to Her Majesty in Council, was at all warrantable in law or equity; or whether the Defendant, advancing the plea on which the appeal is ostensibly made to rest as a mere subterfuge, and profiting by his own wealth or the resources of the Tsung-li Yamên, has not, in approaching the Throne with a prayer for complete justice, outraged Justice, and is simply attempting to *make use of the Majesty of the Law as an instrument for the perversion of Law and Justice to his personal ends* (95,6), and the gratification of his own vindictiveness.³ It will not escape their Lordship's notice, that the "*four hundred foreigners in the (Chinese) Customs-service*", and their apparently threatening attitude towards the Inspector-General Mr. Hart, represent, in the back-ground of the scene of this action, the ghost, which has frightened the Defendant, his witness, and his learned Counsel into their remarkable efforts to lay it; and that to *that ghost* law, justice, equity, and truth, the interests of science, and the health, perchance the life, of the Defendant, are to be ruthlessly sacrificed. Nor will their Lordships fail to observe that, as regards the grounds, on which the Rule *Nisi* was obtained by the Defendant, the two first, based on misdirection (99), were, the former wholly unfounded (above no. 2), the latter simply futile (99); and, if there was misdirection on the part of the learned Judge, that it was altogether in the *Defendant's* favor (96). As to the Jury's verdict being against the weight of evidence,

Bund, the Professor, without any premonitory sign of indisposition, was suddenly struck down in the road, as by lightning. Although his consciousness returned and he was on his feet again, before his friend had time to leave the carriage and come to his assistance, the accident and the fall had thoroughly shaken his frame. He still suffers from the effects. About the same time, three other residents of Shanghai—one of them a gentleman, who had not known a moment's illness in his life—were seized with similar attacks; showing that they were caused by local influences.

³ That Mr. Hart is vindictive, we can, if necessary, prove in his own handwriting.

it unquestionably was so in reference to the first count, upon which the Defendant accepts the verdict of the Jury in silence ; whilst, in reference to the second count, the written evidence, admitted by the Defendant, is literally conclusive ; and the evidence of the Defendant and his witness, *generally*, when compared the one with the other and, conjointly, with established facts, *on being carefully examined* (72-84), is found to lose its weight altogether, and to leave *the full weight of evidence in favor of the Plaintiff*. If the learned Counsel for the Plaintiff, Mr. Bird, in his argument on the Rule *Nisi*, did not insist on this essential and prominent feature, it was that, acting as he did for Mr. Rennie, unavoidably absent, there had been no time for him to thoroughly acquaint himself with all the details of the true merits of the case.

7. 'The privilege' question, should their Lordships still decide to entertain it,—as the Plaintiff trusts, they, while advising Her Most Excellent Majesty to rescind the Order of June 19, 1871 ((102), may in their wisdom see fit to do on just and true grounds, if any there be, and with a view to "*complete justice being done between the parties*"—, is equally simple and plain. Their Lordships will have to remember, that Her Majesty's Government and Representatives at Peking, like those of the Western Powers generally, have, under exceptional circumstances, been thus far content to communicate with the Chinese Government on unequal terms and through a mere temporary Commission only, and keep in view the *facts* that the *Tsung-li Yamên*, usually designated as the Chinese "Foreign Board", is no Office corresponding to our "Foreign Office", and *constitutes no part of the Imperial Government of China* (41, 2 ; 87, 1-2) ; that the Defendant is in the employ of the Tsung-li Yamên (87, 5), but is *not* "a servant of the Chinese Imperial Government", and is *not* in the employ of the said Imperial China Government" (87, 8 ; 87, 1 ; comp. 78, 2 and p. 824, note), as alleged in his answer to the Plaintiff's petition (66, 21-24) ; that he has never received, and never produced, any authority whatever from the Chinese Imperial Government (87, 8 ; 89, 1-2) ; that the Defendant, having no due authority whatever to that effect, engaged the Plaintiff in England, for a projected Government College or University of Western Science and Learning, the creation of his own personal fancy (88, 3 ; 89, 3-4), and in his letter of appointment *fraudulently* substituted for that *projected Government College* the *existing Tung-Wên-Kuan* or *private Language-School of the Tsung-li Yamên* (87, 3-4 ; 88, 1) ; that the Plaintiff's nomination was by Imperial Rescript (10) sanctioned for a projected "School of Astronomy

and Mathematics" (87, 7; 88, 2), he thereby entering the Chinese Imperial service, and that this projected institution was never carried into effect (88, 2; 82); that, on the one hand, the Plaintiff never had any legitimate connection with the *T'ung-Wên-Kuan*, and, on the other hand, that the Defendant never held, and never produced any proof that he held, an official position, as Foreign Superintendent or otherwise, either in connection with the existing *T'ung-Wên-Kuan*, or the non-existing "College of Western Science and Learning" or "School of Astronomy and Mathematics" (78, 2; 93); that no official relation of any kind ever existed between the Plaintiff and the Defendant (93); that the Defendant, simply and throughout, acted as a *medium of communication*, professedly between the Chinese Government, really between the Tsung-li Yamên, and the Plaintiff (93); that, consequently, the Defendant had, "in the ordinary course and the lawful exercise of his duty" (66, 22), as Head Inspector of Chinese Foreign-Maritime Customs, (87, 5), no communications or reports of any kind "concerning the conduct, movements, and representations of the Plaintiff" (66, 22) to make to the Tsung-li Yamên; that, unless specially requested by the Plaintiff to make certain communications to the Tsung-li Yamên, he could make no other such communications respecting him, his conduct, movements and representations, except in the capacity of an informer or a spy; and, hence, quite independently of the false, slanderous, and malicious character of the reports, actually made by the Defendant (91, 1; 66—69), that the 'privileged' nature of those communications is utterly out of the question. To our judgement, therefore, it would seem, that the Defendant's appeal to Her Majesty in Council, here under consideration, presents one of those cases, which, in view of all the circumstances connected with it, are entitled to the special attention of THE LORDS OF THE JUDICIAL COMMITTEE, as furnishing a legitimate occasion for their Lordships to exercise to the fullest extent the powers with which they are entrusted, for the combined purpose of vindicating the majesty of the law, of deterring the unscrupulous and the wealthy from, in our days but too frequent, attempts to make a mere tool of Justice for their personal ends and animosities, and of seeing that, in this individual case, "complete" justice be done between the Appellant and the Respondent.

107. There now remains for us only to indicate the principal points, which the administration of "complete justice between the parties" appears to us to demand :—

1. Above all things, Justice would seem to require, that it be adminis-

tered with a view to the speedy and definite settlement of the Professor's claims both against Mr. Hart and the Chinese Government, in order to free him from a longer exposure to the climate of China, and to enable him to return, without further delay, to his scientific pursuits, and to the resources of Europe. The Professor, having been grievously wronged, never desired any but the most equitable redress, and having first, as long as four years ago, proposed and, since, again and again proposed, arbitration or an amicable arrangement: it is monstrous, that a man, because he is possessed of money and no conscience,¹ should have the power *at law*, under the shield of falsehoods and the color of 'private law', to persecute a fellow-man, whom he has so grievously wronged, in the manner in which Mr. Hart is, we feel no hesitation to say, with malicious intent, persecuting the Professor, even to the injury of his health and the shortening of his life.

2. Justice would seem to require, that the annual amount of salary fairly and justly due to the Professor, and which, as has been shown in England left an open question (73, 5, comp. 84—85; 87, 11—12), should be equitably settled and determined, either by a Jury, or a Court of arbitration, which might conveniently consist of three English gentlemen, namely, Her Majesty's Consul at Shanghai as President, and two assessors, one to be named by Mr. Hart, the other by the Professor; and that Mr. Hart, having engaged the Professor without authority and rendered himself personally responsible for the terms of that engagement (87, 10, comp. 11—12; 96, 2), should be ordered to pay to the Professor the total amount of salary thus accruing to the Professor at the rate to be fixed, from September 15, 1866, less and deducting the various sums actually paid to him on account of such salary since that date.

3. Justice would seem to require, that Mr. Hart be ordered to repay, with interest, to the Professor the sum of £600 sterling, which, by the private and illegal decision of the learned Judge, Mr. Goodwin, he has been unjustly allowed to deduct from the sum of £700, by Mr. Hart acknowledged as due to the Professor for salary, calculated at the rate of £800 per year, on November 30, 1869 (94; 96, note; 96, 2).²

4. Justice would seem to require, that Mr. Hart be ordered to pay

¹ Mr. Hart himself, in a letter addressed by him, previously to the 31 October 1869, to the Hon. J. Ross Browne, admits "that THE COLLEGE had collapsed" and informs him that he has "not ceased to warn Mr. Burlingame how far from wise good his words are the Chinese". (Mr. Browne's Letter, dated Oakland, October 1869, republished in the "North-China Herald" of December 11, 1869).

to the Professor the sum of one year's salary and passage-money home, the Tsung-li Yamèn placed at Mr. Hart's disposal for the use of the Professor, being, in the sense of the Tsung-li Yamèn £600 for salary, and £200 passage-money home (8, s), together £800 sterling (49). For, although payment of this sum was by the Tsung-li Yamèn left optional with Mr. Hart, the Tsung-li Yamèn only left it so, under the erroneous impression that the Professor had deserted his post and refused to perform his duties, *falsely and slanderously reported to the Yamèn by Mr. Hart.*

5. Justice would seem to require that, the Professor having lost his manuscripts, representing the actual value of many years' labor, *solely in consequence of Mr. Hart's false representations, broken promises, and unscrupulous conduct*, he should receive a fair compensation for his loss; and that Mr. Hart should be ordered to pay to him such a compensation, suitably adjudged and determined either by a Jury, or a Court of Arbitration, as previously suggested (no. 2).

6. Justice would seem to require, that, having regard to all the circumstances of the case, and the Professor having, since September 30, 1868, not only been unjustly deprived by Mr. Hart of his legitimate income, and the means of following his legitimate pursuits, but compelled to incur the heavy expenses of living at a Shanghai Hotel, and to waste in comparative idleness some of the best years of his life, exposed to the risks of a trying climate, he should receive a fair compensation for the expenses, losses, privations, and danger incurred; and that Mr. Hart should be ordered to pay to him such a compensation, equitably adjudged and determined either by a Jury or a Court of Arbitration, as previously suggested (no. 2).

7. Justice would seem to require, that the verdict of the Jury, of April 14, 1870, should be confirmed so far as the second count of the Plaintiff's petition, and the money count are concerned; but that, in regard to the Jury's verdict upon the first count, presumed by the misdirection of the learned Judge, THE LORDS OF THE JUDICIAL COMMITTEE should, in conformity with the evidence offered at the trial, pronounce it in opposition to that evidence, and Mr. Hart to be guilty of the false representations in England, with which he stood, and stands, charged; or else order a new trial to be instituted on this point. There can, we presume, exist not even

² This sum of £600 would be included again in the amount of "salary paid on account", and thus be re-allowed to Mr. Hart under the preceding proposition (no. 2). Sir Edmund Hornby also was, apparently, of opinion, that there was no evidence to support this claim. This is an error. It is positively admitted by Mr. Hart, in his letters to the Professor of November 2, 1869, p. 700, and November 9, 1869, p. 701.

a technical objection to such a course, as the (unjust) verdict in question is alluded to in Mr. Hart's petition to Her Most Excellent Majesty in Council.

Thus stands this case at present. Whatever be the decisions of THE LORDS OF THE JUDICIAL COMMITTEE, the Professor places the most implicit confidence in their Lordships, that they will see that justice be done between the parties, and that "*complete* justice" be done between them.

108. In conclusion, to return once more to "the New University of China". In his evidence, Mr. Hart stated "that THE COLLEGE had met with great opposition, but to call it 'a delusion and a snare' would be quite unwarranted". We doubt whether there be one of our readers, who will dissent from us in saying, that a greater fraud of the kind has, probably, never been practised upon the Public.

II.

MR. HART'S NOTE ON CHINESE MATTERS,

AS PUBLISHED BY THE HON. J. ROSS BROWNE

WITH THE REMARKS OF THE LATTER.

PEKING, 30th June, 1869.

1.—EVER since my first arrival in Peking, in 1861, I have been urging the Yamén to move in the direction of what the West understands by the word Progress, and on scarcely any point have I spoken more strongly or more frequently than on the necessity for the establishment of a resident mission at the Court of every Treaty Power.¹ To show how diplomatic intercourse is conducted, I translated for the Yamén that part of "Wheaton" relating to rights of Legation, Treaties, etc., long before Dr. Martin came to Peking.² I regarded representation abroad as of paramount importance, and as, in itself, progress; for, while I thought that I saw in it one of China's least objectionable ways of preserving freedom and independence, I also supposed it would constitute a tie which should bind her to the West so firmly, commit her to a career of improvement so certainly as to make retrogression impossible. Availing myself of the approach of the time for treaty revision, I urged the point on the Yamén more strongly than ever.

As a first step, and by way of demonstrating to the official class that the West can be safely visited, and that the journey is neither very fatiguing nor very dangerous, I induced the Yamén to send Lao-yeh Pin and his party to Europe with me, in 1866, and, on my return to Peking, at the end of that year, I continued to argue for another forward movement.³ Thus it came to pass that, in September and October, 1867, the matter of representation abroad was talked of every time I went to the Yamén and while Tan-ta-jên told me that, in a week or two, a decision would be communicated to me, showing that the government was about to act at once on my advice, Wên-ta-jên added, that if I could be spared from Peking it was in contemplation to appoint myself to

¹ Mr. Hart is an employé in the Custom's Service. It was not his duty to interfere in diplomatic affairs. When he was appointed Inspector General of Customs, it was made a condition of his appointment, by Sir Frederick Bruce and Mr. Burlingame, that he should not occupy a quasi-diplomatic position, but should reside at the treaty ports. His retention at Peking, with their consent and approval, can only be accounted for on the supposition that he labored to carry out their peculiar theories, and that they found it expedient to have an intermediary agent. (See Mr. Burlingame's despatch, Nov. 23rd, 1863, and notes of interview, Oct. 1867; also Sir F. Bruce's despatch, Nov. 27th, 1863.)

² The acceptance of Dr. Martin's translation of Wheaton has been adduced as evidence of Chinese progress. (See Note to Richard H. Dana's edition.) Doubtless the Imperial Government was quite willing to take advantage of any privileges or exceptions it might contain. There is no evidence that they ever contemplated accepting its obligations.

³ Lao-yeh Pin was a clerk (shoo-pan) in the Tsung-li Yamén—a man of no influence. On his return from Europe, he made a report suited to the views of his employers, condemnatory of foreign improvements, and demonstrating that such things were unsuited to China. In consequence of this he was promoted.

accompany the Chinese official on whom their choice was most likely in the first instance to fall. Thus, so far as representation abroad, generally speaking, is concerned, the Embassy now in Europe can scarcely be said to have been a spontaneous movement on the part of the Imperial rulers.¹

Towards the end of October, Mr. Burlingame went to the Yamén to pay his farewell visit, and in the course of it, I believe, he reminded the Prince that when formerly leaving Peking he had been requested, if the opportunity occurred, to make certain explanations in connection with the disbandment of the Lay-Osborn flotilla,² and then went on to inquire whether he could do anything for the Yamén on the present occasion of leaving China. The Prince replied by some such jocular remark as, "Why, you might just as well be our Ambassador at once?" I style this remark jocular because, for the moment, there was nothing more intended than a pleasantry.

Dr. Martin was interpreting on that occasion, and he doubtless remembers what was said and the manner of saying it. Some days after that, Mr. J. McL. Brown told me that the Yamén had it in contemplation to appoint Mr. Burlingame to be its representative to the Treaty Powers, and asked what I thought of it. I at once said that the notion ought to be supported, and on the following day I went to the Yamén and spoke very strongly in its favor. Tung-ta-jén said to me: "We were already seven or eight parts inclined to do it, but now that you approve of it so fully, we really are twelve parts for it: that is, we thought well of it before; we think more than well of it now".

At first, the idea was that Mr. Burlingame should be invited to go alone, or accompanied only by Mr. Brown; and the Yamén did not then appear to think that funds would have to be provided. I suggested that a Chinese Mis-

¹ It was utterly foreign to their thoughts. They would gladly have evaded it had they not been so persistently pressed into it, even in 1861, both by Mr. Hart and by the British and American Ministers.

² See Dr. Martin's notes of interviews Feb. 24th, March 3rd, March 6th and March 8th, with note from Wen-siang, Tung-sein and Hangkee.—*Dip. Cor.* 1865; part 2, p.p. 445-449.

³ This is certainly not much like the spontaneous sending forth of a Chinese Embassy. It appears that even the salaries and expenses were not strictly "spontaneous"; that Mr. Hart and Mr. McLeavy Brown made up the mission, and that Mr. Hart "arranged for the funds to support the party", fixing the rates of pay, etc.

⁴ The remark of Prince Kung—"Why, you might just as well be our Ambassador at once?" conveys a different idea, and liberally construed, would probably do injustice to Mr. Burlingame. If it were not that the appointment "naturally grew out of what at first was but a joke", such a remark would scarcely be worthy of notice.

⁵ The object, therefore, was to prevent all progress inconsistent with Chinese isolation; to avoid the execution of treaties, and set aside the foreign Ministers at Peking. The war of 1860 had resulted in the establishment of diplomatic relations at the capital, which was the only provision of the treaties of Tientsin that the Chinese Government had strenuously resisted. Direct relations with the Imperial authorities had been resisted since the visit of Lord Macartney in 1793. An opportunity now offered to transfer the scene of future diplomacy beyond the boundaries of the Empire, by depriving the foreign Ministers of all power to redress grievances or enforce the execution of treaties. With civilised governments, bound together by common ties of race, religion and laws, and by facilities of intercommunication, a different interpretation might reasonably be attached to such a movement; but there is nothing in the history of China, since the beginning of foreign intercourse, to warrant the idea that the Imperial rulers had the slightest idea of entering into such relations as those contemplated under the law of nations. What they really wanted was time—time to repeat on a large scale what they had done in the way of preparation to repel foreign intrusion at Canton from 1842 to 1857, and at Takoo, from 1858 to 1859; time to establish arsenals, build gun-boats, poison the minds of the people throughout the provinces, and in the end, when no longer able to postpone the execution of treaties, make a final attempt to drive every foreigner out of the country.

sion ought not to go without Chinese officials, and that Mr. Deschamps should be associated with Mr. Brown, as Secretary of Legation, and arranged for the funds to support the party, fixing the rates of pay, &c.³ Thus, although the establishment of Missions abroad was a step that had been urged on the Yamen for years, the selection of Mr. Burlingame may be said to have been spontaneous; that is to say, he did not solicit the appointment; it naturally grew out of what at first was but a joke.⁴

2.—The object with which the Yamen despatched the Mission, as I understood it at the time, was to cultivate and conserve friendly relations by explaining to each of the Treaty Powers the many difficulties that China cannot fail to experience in attempting to change existing conditions or to introduce novelties; to bespeak forbearance, and prevent, in so far as possible, any resort to hostile pressure to wring from China concessions for which the Government did not as yet feel itself ready, and to prepare the way generally for the day when China should not merely hear the words of the foreign representatives in Peking, but should be able to address each Government in its own capital through a resident Chinese medium.⁵

3.—So far as newspaper reports go, the object of the Mission has been misinterpreted, and the public have regarded it as promising, on the part of China, the immediate performance of those very things which China sent the Mission to explain to the West are so difficult of performance;⁶ the impression created by the sending of such a Mission has besides been one that a generous, but ignorant and unreasoning public has itself done much to puff into still further dimensions. Nothing but complete ignorance of China could have permitted the public to assume⁷ that the vast changes now looked for are regarded

⁶ The word "immediate" is ingeniously used by Mr. Hart to show how unreasonable the public are in expecting great reforms to be carried into effect at once, and how reasonable the Chinese are in desiring time to adapt themselves to the new order of things. The inference from all such expressions used in connection with Chinese affairs is wholly unwarranted by experience. The public understand well enough that it takes time to build railroads and telegraphs in all countries, and they never expected to see them *immediately* built in China; but there is a difference between doing a thing immediately and indefinitely postponing all experiment—even to the necessary preliminary steps. Time is the essential element in all questions of progress. With China, to postpone a measure is to evade it indefinitely—the day of preparation never comes. It behoves each generation, in our age and under a progressive civilization, to do its part; but the Chinese are content with what their ancestors did, and have no desire to better their condition or bestow benefits upon their posterity. Mr. Hart would have expressed the truth more clearly had he said that the mission was sent to the West to explain not only how difficult it is to introduce improvements in China, but how utterly impracticable without material changes in the present system of government. Innovation strikes at the very root of the existing system. Whatever strengthens central authority destroys to a certain extent provincial responsibility; and this is precisely what the Imperial rulers have resisted since the beginning of foreign intercourse. They rejected the Lay-Osborne flotilla because obstacles were interposed by the provincial Governors and subordinate mandarins; and they have invariably evaded that central responsibility which they are now willing to accept since they have discovered an effective way of evading all responsibility—local, provincial, and central.

⁷ Mr. Hart is severe upon the public for believing the representations of the chief Ambassador from China. If they manifested ignorance, who was better qualified to enlighten them than Mr. Burlingame? He had represented the American Government for six years in China; he now represented the Government of China. It was the object of his mission to explain the condition of China. Surely, it is unfair to blame the public for their confidence in the faith and intelligence of the American Ambassador from the Court of Peking. That he has been deceived I have no doubt. I have full confidence in the purity of his motives and the sincerity of his representations; but I believe he has been the dupe of his own enthusiasm, and of the cunning and duplicity of his employers.

as necessary, and longed for by China herself, and nothing could well be more unreasonable than to suppose that such changes—even if felt by China to be called for—could be hurried forward and given effect to in the short time in which the West seems to expect them.¹ The press, in its speculations as to the object of the Mission, has completely overshot the mark; it has forgotten that not one Chinaman in ten thousand knows anything about the foreigner; it has forgotten that not one Chinaman in a hundred thousand knows anything about foreign inventions and discoveries; it has forgotten that not one in a million acknowledges any superiority in either the condition or the appliances of the West; and it has forgotten that of the ten or twenty men in China who really think Western appliances valuable, not one is prepared to boldly advocate their free introduction.

The press has lost sight of the ignorance of the West that prevails in China, and has failed to notice the real and natural difficulties that oppose innovation, even where demonstrated to be improvements; it has already ignored the Chinese message—which is: “Remember our difficulties”; and has replaced it by words which mean, “We are ready for anything or everything; only say the word and it's done”! Thus, hoping all things, but writing without authority, the press has not given prominence to what China really had to say, and has inferred from the arrival of the Mission much that, however likely to come to pass in the future, China certainly did not intend to publish as feasible now.²

¹ Here again, reference is made to “a short time”. What time for the introduction of improvements has ever been specified by the public? They doubtless hope to see something done within the present generation; some beginning made; but if a short time is unreasonable on the one hand, so is an indefinite time, which may mean centuries, on the other. It is all a matter of time; life and death are mere matters of time; and yet they are of some importance to us all.

² Did Mr. Burlingame remind the press of these facts? Do his public speeches bear that interpretation? Do the public speeches of the leading statesmen and orators of the United States, made at Washington, New York, and Boston on the occasion of the reception of the Chinese Embassy, in response to his representations, bear the interpretation that “there is not a single man in the Empire prepared to boldly advocate the introduction of the Western improvements? If ignorance of the West prevails in China, how is it to be removed by abstaining from all pressure, and leaving it to the Chinese to become enlightened of their own accord? It is an undoubted fact that they are less enlightened now than they were at the beginning of the Christian era. To what process, therefore, are we to look for increased intelligence on their part? There seems to be no difficulty in their acceptance of foreign improvements when the object is to restrict or repel foreign intercourse. No objection is made to the establishment of arsenals and the building of gun-boats. Railroads and telegraphs are regarded with dread; we are told that the people are hostile to them; that such innovations would produce disturbances throughout the provinces; but arsenals and gun-boats, to repel the advance of a Christian civilization, and hold the masses of the people in bondage, are eagerly accepted. The only objectionable improvements are those offered in the interests of peace and civilization. Whatever tends to elevate the condition of the people, and to enlarge the scope of foreign intercourse, is excluded as incompatible with the dignity of the Empire, and the happiness and well-being of the masses.

³ Post-prandial speeches are not always satisfactory even to the Government and press of the United States, notwithstanding the latitude allowed in that direction under our system. Much depends upon the correctness of the statements made, and the fidelity with which public sentiment is represented.

⁴ This is, to say the least, a curious line of defence. All experience is to be rejected; the existing condition of affairs in China is to be disregarded; neither the past nor the present is to be taken as a guide, but we are to build hopes for the future upon a policy not justified by any results obtained. If Mr. Hart's argument does not mean this, what does it mean? Mr. Burlingame's selection proves that the Chinese have had fair play since the war of 1860—otherwise why did they select him? As to non-interference, the only interference by foreign Governments in the affairs of China

Although a man holding an important official position cannot divest his words of a peculiar official character, it seems to be only fair to allow a certain amount of latitude to after-dinner speeches; it is in the general drift of the speech, rather than in the general meaning of each separate clause, that the speaker's thought is to be looked for.³ Thus, Mr. Burlingame's speech at New York, harshly criticised as it has been, is in the main defensible, when it is remembered that, without doing the speaker the injustice of putting a stern matter-of-fact interpretation on every clause of each eloquent sentence, the burthen of his address to a generous, sympathising audience, was: "Leave China alone, and all that you wish for will in its own good time follow". That speech has been severely criticised, and it must be confessed that its language sounded strangely, read alongside of contemporaneous occurrences in China; it naturally suffers most when its parts are individually and separately commented on, and judged of from the standing-point of fact in the past, rather than from its general drift, which is, to suggest hopefulness in the future; but taken as a whole—and making allowance for the festive occasion on which it was delivered—the speech was a true and telling one when regarded as intended to sum up what would result from a policy of fair play and non-interference, rather than to describe things as they now are, and thereon to build a claim for fair play.⁴ It pleaded for non-interference rather from what would be likely to be the result of such a policy, than for it as justified by results already obtained.

since that date was to suppress the Taiping rebellion and prevent the overthrow of the Manchu dynasty. Surely, this is not a legitimate subject of protest? What other interference has there been since 1860, except to ask for the execution of treaties? The treaties have never yet been enforced. The diplomatic correspondence for the past eight years shows that they have been persistently evaded both by the Central Government and by the local authorities; and that neither the one nor the other has ever yet manifested a disposition to carry them out in good faith. Sir Frederick Bruce complained in June, 1863, of the "general disregard of treaty provisions manifested at the ports"—and said that "the Central Government, if not unwilling, shows itself unable to enforce a better order of things". (See his letter of that date to Prince Kung). Mr. Burlingame, during the same year made similar complaints, and said that the tergiversations of the officers who administered the Government rendered it difficult to hold relations with them without a sacrifice of personal dignity. Mr. Williams, in 1866, said the effects of the lesson taught by the war of 1860 were passing away, and the rulers were becoming more obstructive and impracticable than ever. Sir Rutherford Alcock, in 1868, protested in the strongest terms against the continued disregard of treaty stipulations, and complained that their most essential provisions were rendered nugatory by the *vis inertia* and shuffling evasions of the Imperial Government. The whole diplomatic corps at Peking up to the present time have, during the whole term of their existence at the capital, been chiefly engaged in making similar protests and remonstrances. The merchants at the treaty ports, through their Chambers of Commerce, have filled the archives of the Legation with proofs of the persistent manner in which trade has been obstructed and treaty rights violated; the missionaries have written in vain from all parts of the country protesting against the indignities and abuses heaped upon them by the local mandarins, in direct violation of treaty stipulations; in effect, there is no difference of opinion on the subject among foreigners in China. Is this universal testimony to be disregarded? To whom are we to look for the truth if not to our own representatives, and to all classes who hold intercourse with the Chinese? And yet the Government of the United States, in July 1866, adopted actual articles, practically granting the Chinese exemption from all existing obligations; and Lord Clarendon, in December 1868, understood from Mr. Burlingame that the Chinese Government were fully alive to the expediency, or even necessity, for their own interests, of facilitating and encouraging intercourse with foreign nations, etc., and fully admitted "that the Chinese Government were entitled to count upon the forbearance of foreign nations". It might reasonably be asked what had been done to the Chinese to give them such an extraordinary claim to consideration and forbearance? All the testimony shows a persistent

The press has launched out into the greatest extravagancies, but China—and, in time, the world, too—will judge of the utility of the Mission by its official results, rather than by the newspaper criticisms of its representative's utterances; and while the Mission, I trust, is not likely to return to China without in some way advising the over-sanguine to moderate their expectations, when the novelty has worn off, the public will of itself commence to see that, for progress, involving radical changes in the customs and institutions of a country stretching so far away into the almost forgotten past as China, time must be given, and patience displayed. As the same I cannot but fear that, if the public is determined to carry on the delusion, and will not see how unfounded its expectations are, China, by disappointing those expectations may, fatally for herself, find foes where all wished to be friends.

4.—When asked if the Chinese authorities are themselves desirous of entering on a career of improvement, and if so, in what direction and within what definite period, a categorical reply would be as much an injustice to the Western public, were it in the affirmative, as it would be to China herself, were it in the negative. To the mass of Chinese officials, the word improvement would convey no idea corresponding to that which is in the Western mind, when scrutinizing to that condition and prospects of China from the point of view that word suggests.¹ From the memorials that appear daily in the *Peking Gazette*, it is abundantly evident that there is no lack of officials throughout the Empire who closely watch occurrences, who are desirous that wrongs should be righted, and bad ways abandoned for better, and who courageously and persistently give their opinions and offer their advice in the cause of improvement to the Emperor; but all such criticism relates to the internal affairs of China as distinguished from those affected by foreign intercourse, and all such suggestions

violation of treaties during a period of eight years, when there was no interference in their affairs, beyond the existence of the treaties themselves, save to suppress a rebellion which threatened the overthrow of the Government. With this experience before him, Mr. Hart thinks it quite justifiable to say, "Leave China alone, and all that you wish for will, in its own good time, follow". Such a defence, it seems to me, manifests a liberal desire to sustain all sides of the questions however conflicting, rather than a strict adherence to any established principle of policy. While he approves of non-interference, he thinks, that if the public "will not see how unfounded its expectations [based upon non-interference] are, China by disappointing those expectations, may, fatally for herself, find foes where all wished to be friends"; and this is a condition of things which he considers "hopeful".

¹ Mr. Hart is quite right in saying that the word "improvement" conveys to the mass of Chinese officials no idea corresponding to that which is in the Western mind. The difference is simply this: *By improvement*, Western nations mean ameliorating the condition of the people, developing the resources of the country, increasing the profits of labor, and enhancing the comfort, freedom and happiness of all; in other words, profiting by the experience of the past, and advancing with ever-accumulating intelligence into the future. The Chinese mean the cultivation of memory, and an adherence to time-honored usages; blindly imitating the past, and obdurately resisting all reforms. Progress, with the one, means going forward; with the other, going backward. Arts are lost, sciences forgotten; the whole Chinese nation is far gone in demoralization and decay; and yet Mr. Burlingame assumes that the prospect is cheering, if we will only let them alone; and Mr. Hart thinks so too, but with the reservation that China may possibly disappoint public expectation by progressing in the wrong direction.

² This is no new feature in the Chinese system. It has been in existence ever since the Empire was founded. However beneficial it may seem in theory, it is practically one of the greatest of existing abuses. The *Peking Gazette* is notoriously an organ of official chicanery, intrigue and deception. It rarely contains a single reliable statement. The Censors are the most corrupt of all the official classes. Their opinions are bought and sold, their censures are insincere, and their apparent boldness in denouncing fraud and malfeasance in high places is designed more frequently to

appealing to the past purity, rather than to future advancement, founded on ethical precepts and ending in moral platitudes, fail to touch those points which the Western mind regards as at the base of all progress; in a word, material improvement (in its widest sense and suggestion of freedom of action in the development of resources and creation of industries) is never hinted at.² But this cannot be wondered at; for the majority are ignorant, and but few of the minority are appreciative in the little knowledge they do chance to possess. Some forty officials in the provinces, and perhaps ten at Peking, have a glimmering notion of what it is that the foreigner means when he speaks in general terms of progress; but of those fifty, not one is prepared to enter boldly on a career of progress, and take the consequence of even a feeble initiative. In this connection, and at this point, I would call attention to a *memo.* which accompanies this note, in which I argue that progress has commenced, and will flourish in China, reasoning much as follows:—

“To secure progress for China, with her present suspicions and part isolation, China must: First, either be allowed to move at her own pace and develop after her own fashion; or, Second, she must be advised into advancing; or, Third, she must be forced into progress by either (A) individual management, (B) coercion on the part of one foreign Power, or (C) pressure applied unanimously and conjointly by all Treaty Powers. But the Treaty Powers have not identical interests, and will not combine to urge advancement on China. A single Power's attempt, even if disinterested, to coerce China into progress, is certain to see its own object defeated by the readiness with which China would take advantage of the distrust and jealousy of some other Power to oppose an inert resistance to the efforts of the would-be foster-mother. Individual management, personal influence apart simply means trickery, and is sure to collapse.

cover up the misconduct of the parties accused, or their own shortcomings, than to secure honesty in the administration of public affairs. To advise, and even censure, the Emperor, has a democratic appearance; but it is like all Chinese falsehood—a constitutional habit of untruth, unaccountable to foreigners in its aimlessness; for few believe in it except the most ignorant. When the Emperor wants to do anything which he fears may be disapproved by any portion of the official classes, the Censors speedily take the hint, and he is boldly lectured for not doing it. I am surprised that Mr. Hart should refer to so shallow a system of jugglery as evidence of anything whatever, save that spirit of deception which pervades the whole fabric of Chinese society. He admits that these Censors who so freely express themselves on public affairs never hint at material improvement in the Western sense. The *Peking Gazette* never yet contained a memorial from the boldest mandarin in the land recommending an experiment in railways or telegraphs, and yet there are mandarins who have professed to be friendly to these improvements. Why does not Prince Kung himself, or Wên-siang, or some other of the supposed friends of progress, come out and prepare the way? If the Emperor can be told unpleasant truths, why not tell him some of the advantages of railways and telegraphs? If the people are opposed to them, why should not the few intelligent men who are said to be friendly to the cause, place reliable information on the subject before the people? Mr. Hart says the majority of the official classes are ignorant, and few of the minority are appreciative in the little knowledge they possess. This is not what was recently represented in the United States; not what was said of Prince Kung, and of Wên-siang, and of others who have been compared to leading American statesmen, nor was it the inducement offered for the admission of China into the family of the civilized nations. But this general ignorance, instead of furnishing a reason for withdrawing all pressure tending to infuse new ideas into the minds of the rulers and people, presents the best possible reason why they should be speedily enlightened, if we desire to hold sociable relations with them at all. It is abundantly manifest that there can be no satisfactory intercourse so long as one party evades the execution of treaties upon which trade and friendly intercourse depend; while the other bases its hopes of advance upon vague and delusive theories, and practical withdrawal of all coercive power from its representatives and all protection from its citizens.

Advice is but thrown away, and even does harm by creating suspicion gratuitously evoking opposition. Thus, the result of an examination of conditions which now exist and surround the problem of progress for China leaves us with but one other alternative, and that is, to see if, when left to herself, there is a probability of real and healthy advancement.¹ If not, herself, will there ever be a start? *That start, I maintain, has been made.* The condition of all progress is, that a want shall be felt; it is not until a want is felt that the mind seeks to supply it, and some wants are such that the attempt to satisfy them, they create other wants; there is a fountain of life which once tapped, will make a channel for itself and rush onwards in a multiplying stream. China has such a master-want—the want of material strength, and in natural life, to feel that want is at the bottom of all wants—it is the parent of all progress; she is attempting to satisfy that want; in that attempt to supply a want to which she has become keenly alive, other wants are themselves felt, and the number of wants will increase, and just as she seeks to satisfy herself in supplying one, so will China's determination to satisfy them become keener, and be exercised after a more intelligent fashion. Thus, in her attempt to become strong physically, China has to my mind entered upon a career of improvement, and will, step by step, develop resources, create industries, and achieve progress materially, intellectually, morally. I therefore feel daily more inclined to believe that the true policy is to 'leave her alone'—that I am satisfied with the rate at which she progresses, but that I think the conditions which do exist and cannot be ignored, China is most likely to come to good in the end with benefit to herself and harm to none, if allowed to go along at her own rate, than if dealt with after a fashion of which the characteristics would be constantly recurring acts of violence, and that final dictation which breeds revolt, and checks healthy growth and natural action.

Thus, without going the length of saying that the Chinese authorities

¹ In reference to these three propositions, it is sufficient to say:—1st, That China advanced at her own pace and after her own fashion for upwards of two thousand years, at the expiration of which period she had so far degenerated as to have nearly all her arts and sciences and fallen into a state of hopeless decay; and it was not until foreign Powers forced upon her ports and imposed new conditions upon her that she advanced a single step in the direction of material improvement. 2nd, Mr. Hart's advice is more than useless; and, 3rd, He contends that coercion cannot be applied successfully by one Power; and that pressure will not be applied unanimously by all the Treaty Powers because of diversity of interests; hence there is no alternative but to leave her alone, thereby induce "a real and healthy advancement". But he has already admitted, that all experience is against self-advancement; that the hope of spontaneous progress is not based upon either the past or present condition of China, or upon any results hitherto obtained, but rather upon a liberal interpretation of a speech made upon a festive occasion by the American Ambassador from China, the general tone of which was "to sum up what would result from a policy of fair play and non-interference, rather than to describe things as they now are".

² Mr. Hart makes the encouraging announcement that voluntary progress is already commenced—that a start has already been made. When we analyse the ground upon which this assertion is made, it appears that the Imperial Government feels the want of material strength, not to govern the provinces and compel observance of treaties on the part of the provincial mandarins (because that would be an innovation upon the time-honoured principles of local responsibility), but to resist foreign intrusion or impose such onerous restriction upon foreign intercourse as to narrow its limits to the treaty ports, and, if possible, regain that position of isolation which the Empire had enjoyed for so many centuries. What other kind of "material strength" is meant than that which is acquired through arsenals and gunboats, what other do we hear of in China, and what other do they feel the want of? Mr. Hart refers explicitly to armaments and munitions for war. He has already stated that improvements, such as railroads, telegraphs, etc., are neither understood

themselves consciously are desirous of entering upon a career of (what we style) improvement, I feel I can safely assert that China has commenced to improve, and that progress, although slow at the start, is certain to roll onwards with a daily increasing ratio.²

5.—As to the audience question, there is no doubt that there is a growing feeling among certain officials who know of the existence of such a difficulty, in favour of its settlement by the reception of foreign representatives. But, even supposing some of the most influential advisers adopted and put forward the foreign view, I cannot with confidence predict a peaceful solution of the question [and I am of opinion, when it does come up, that Westerns will either have to fight for it, and by carrying their point, place relations with China on a sure footing for ever, or withdrawing from the demand for an audience, acquiesce in inaugurating a policy of which the sole view will be to drive out the foreigner as speedily as possible.] At the present moment no Chinese Minister would be hardy enough to advise the Emperor to depart from Chinese ceremonial and receive foreign representatives after the foreign fashion. When the question opens, an attempt will possibly be made to prolong discussion on the Ceremonial to [be observed and trust to their embarrassing and interminable length to either gain time to mass troops round Peking or] induce the Minister concerned to withdraw his demand; possibly, too, the Chinese may not refer to the Ceremonial at all, and simply arrange for a meeting in the palace gardens—[A solution of the question which would be as fatal to beneficial and friendly intercourse for the future as it would be derogatory to the nation whose representative would consent to it. In other matters, progress may be waited for, courted, and accepted, bit by bit, in the hope that something better will come of it; but in this matter of audience, to consent to anything but a formal reception, will establish a precedent, and building up the Court in its pride, will leave to the future the task of its rearrangement, and that, too, with a far greater expenditure

nor desired, and that of the "ten or twenty men in China who really think Western appliances valuable not one is prepared to boldly advocate their free introduction". Reduced to the legitimate meaning therefore, the statement that progress has actually commenced, amounts to this: That the Chinese Government is establishing arsenals and building gunboats for the purpose of restricting foreign intercourse to such limits as it may deem consistent with the preservation of its ancient system; in other words, to resist all innovation from the West not essential to warlike purposes. The objection to free intercourse is, that it tends to enlighten the people and destroy the despotic rule of the mandarins; it introduces change, which is fatal to the permanency of the system. When we are told, therefore, that the Embassy from China means progress—means the unification of the whole human race—means that China desires to come into warmer and more intimate relations with the nations of the West—that she comes forward of her own free will and asks to be received into the family of nations, it is difficult to conceive upon what ground these extraordinary assumptions of friendship are founded. Viewed in the light of such representations, and in connection with Mr. Hart's statement of facts, China desires to become a member of the Christian family because she desires to retain her pagan systems; she is entitled to forbearance and friendly treatment because she is establishing arsenals and building gun-boats to resist the execution of treaties: she is advancing in the arts of war; and, therefore, "the true policy is to leave her alone". But Mr. Hart subsequently admits (clause 7) that if we leave her alone she will not feel that want of material strength which is producing these beneficial results, but will relapse into indifference and cease to advance. What, then, is to be done? We must not advise her, because advice creates suspicion; we must not force her, because the use of force would be unjust, and would not produce the desired results; we must not press her, because united pressure, which is impracticable owing to diversity of interests, would be essential to success; we must leave her alone that she may advance of her own accord. But if we leave her alone she will not advance. This, Mr. Hart considers natural and healthy progress. I see no other conclusion to these arguments, and must confess that they strike me as more ingenious than logical.

of men and means, than a proper settlement, when the Emperor comes of age, would possibly call for]. At the present moment, the Emperor's chief tutor is Wo-jên—an obstinate old man, ignorant of everything outside of China, and perfectly rabid against foreigners; and, however anxious Wên-siang and his three or four colleagues may be to keep the peace, they will probably lose office, influence and life, if, on the subject of audience, they dare to initiate a proposal to receive foreign representatives on the same terms as the members of the Embassy have been received in the United States and Europe. It may be a debatable point with some, whether the audience question ought or ought not to be raised; but once mooted, there can be but one opinion as to how it ought to be solved.¹

Foreign intercourse cannot now be opposed, and it is China's own interest that foreign Governments should act firmly in the settlement of a question which, unsettled, is an existing misunderstanding, and at any moment likely to lead to unhappy interruptions of friendly relations. Had it been managed in 1860, matters would now wear a much more encouraging aspect.

6.—The event of the day is, of course, the publication of the additional articles negotiated with the United States.

Those articles *may* be of use to Chinese in California (though, indeed, I hesitate to say so, knowing that such an opinion suggests, as at its foundation, the idea that the citizens of the United States do not treat Chinese fairly, and is, therefore, the reverse of complimentary to either citizens or Government; but I question to what extent they will exercise a beneficial influence in inducing or encouraging China to press onward in a career of improvement. It is altogether a mistake to think that China feels more kindly to the United States than to other Powers, and the additional articles have really nothing in them (so far at least as the surface shows), that did not exist before in the shape of generally acknowledged principles of international intercourse. I heard one remark in this connection, and that was that these articles unnecessarily admitted on paper, on the part of China, physical inferiority to the United States, and claimed on the part of the United States, the ability, but foregone right, to compel Chinese to do what in the articles the United States promises not to do; and it was evident that such a way of putting it was not regarded as creditable to China. I do not enter on any discussion of the effect expected to be produced in favor of China on the policy of other Powers by the example set when the United States led the way, and signed articles of which the drift seems to be that China may do as she pleases, and that the United States will in no case interfere in her affairs.²

¹ By far the most important part of Mr. Hart's communication is that relating to the audience question. The revelations marked by himself in brackets are astounding. No man understands better than Mr. Hart the feeling of the Chinese rulers on this subject. He is in daily contact with them: his advice is sought on all important occasions. (See notes of Mr. Burlingame's interviews October 1867.) He is constantly consulted upon questions of foreign policy. He speaks the Chinese language fluently, and has had many years experience of Chinese diplomacy. His statements cannot be regarded as mere conjectures. What he so confidently asserts is based upon personal knowledge. I refrain from an analysis of these extraordinary developments. They require no comment. If Western Governments can see in them any evidence of a desire on the part of China to accept the obligations as well as the privileges of international law, or the slightest disposition to enter upon terms of equality into the family of nations, I can no longer understand the use of words or the value of facts.

² Mr. Hart is a British subject, and therefore may be supposed to have prejudices in favor of his own nationality. His statement, however, in regard to the absence of any preference, on the part of the Chinese, for Americans, is attested by most of our diplomatic representatives, and by all American residents in China. We are recipients of all the advantages gained by British and French arms, and are in the eyes of the Chinese accomplices in the acts of hostility committed by those Powers. The rectifi-

7.—As regards Articles VIII more particularly, whatever its other effects may be, I do not think it at all calculated to hasten progress; indeed, taking my view of progress in China, and regarding it as likely to be accelerated in proportion to the acuteness to which China feels the want of material strength, I fancy that, were all countries to join in making the same sort of a treaty, the result would be that China's feeling of want of strength would be weakened, and her progress proportionately retarded, if not stopped. And, in this connection, it must not be forgotten that the feeling of want of material strength in China is attended now by a sister want: China is gradually feeling how difficult it is, and yet how necessary, to acquit herself of her treaty obligations, and this feeling gives force to the power wielded by the perception of want of strength. Her central weakness goes hand in hand with her external, and her want of ability to give effect to promises with her inability to oppose dictation; give her reasons for growing strong externally, and she will become proportionately the more capable of performing her compacts internally. I am not arguing in the sense of advocating the propriety of holding out something *in terrorem*, but in the sense of questioning the expediency of doing anything calculated to weaken the very proper feeling that leads every country to desire to secure her own safety by increasing her strength, as her knowledge of her requirements grows. Chinese ignorance, too, may lead her into false views of such action, and then into unhappy mistakes. The Chinese are trying to become strong, not that they discern the commencement of changes therein, but simply to be strong enough to prevent the foreigner from forcing China to accept those changes, or adopt the appliances of the West, before she wants them. Left to herself, but with influence all around tending to confirm her feeling of want of strength, and not calculated to send her asleep in her weakness, China will grow strong slowly; and, in endeavouring to supply the want felt and acquire material strength, she will step by step create other wants, and one by one develop resources, and will in the end adopt those very appliances which she at the outset rejects and prepares to oppose.³

The motives with which China now works will, sooner or later, bring rail and wire of themselves; and while force would harm China, and a premature introduction of rail and wire ruin speculators, it is on the other hand to be remembered that to premise not to force her to improve, would be simply to deprive China of her greatest motive for attempting what must end in progress, namely: that feeling of insecurity, and that desire to provide against contingencies which induce exertion, and which are initiating a course of action that must of itself bring progress and all its appliances in its train. And, as

cation of the New Articles, though they were made in the interests of China, is postponed, partly because of the complications growing out of the favored nation clause in all the treaties; but chiefly, as I now believe, because they regard all special tenders of advantages by foreign Governments as covering some sinister project to open up the country. The mere mention of railroad and telegraph fills them with visions of unrestricted intercourse. When they are told by a progressive and enterprising nation that these improvements will not be forced upon them, they naturally tax their ingenuity to find out where, or in what form, the new assault upon their established usages is going to be made.

³ Mr. Hart's comments upon the VIII Article (embraced in this paragraph) quite concur with my own views, and show very clearly the fallacy of the *laissez faire* policy advocated by himself. In reference to the other positions of his argument, I think that the attempt to become strong by rejecting all improvements made in the interests of peace, and accepting only those designed for warlike purposes, will fail to result satisfactorily. Certainly, it is not a healthy mode of progress, nor is it likely to conduct to peaceful relations. The difficulty is clearly summed up in the following words: "China's ignorance may lead her into false views of such action and then into unhappy mistakes". She has already, on more than one occasion, deemed herself strong when she was weak. She may do so again, and war will be the result.

regards residence in the interior, and the navigation of the inland water foreign steamers (the question of the expediency or utility of such concessions apart), I fancy such concessions could only be looked for from them when treaties contain them as rights, and will not in any degree better but the reverse, by treaties which go out of their way to disclaim them.

However advanced the Chinese may be in civilization, it is not forgotten that their civilization is not a Christian civilization; they are too too, and there is a pride of race about them that leads them to treat the neck that bends, rather than to lift the head that touches the dust, as owner is an alien.¹

It is the keen-sighted policy that will not permit shuffling—the policy that will not claim what it has not a right to—the firm policy that will retract from a demand once made—and the personal policy which bases its requirements on its own, and does not argue for their satisfaction from the view of Chinese interests, that will be most likely to command success. Winking at obligations neglected—any claiming of what cannot fairly be claimed to—any retreating from a position taken up—and any advocacy of measures as favoring Chinese rather than foreign interests, only tend to

¹ All these arguments, tending to show that healthy progress has been struck me as fallacious. Doubtless China has desires to be strong enough to material reform, but she is too ignorant and too short-sighted to see that nothing than a radical change in her system will give her real strength; and who believes she desires such a change? While she causes a few companies of soldiers to be by a foreign officer, she rejects the essential means of discipline—rations, distributed and compensation honestly paid. The same is the case with her naval service. Fiscal corruption lies at the very foundation of her system. The provincial officers, constituting the most powerful class in the Empire, will reform to the bitter end, because in it they see a centralization of power and decadence of their own influence. They will not voluntarily relinquish the pre-eminence of official positions, to attain which they have devoted the best years of their lives. There is no patriotic feeling, no spirit of nationality to bind the different classes together in the acceptance of any policy for the common good. Grasping selfishness exists upon earth. Dr. Williams, in his "Middle Kingdom", has defined the Government to be "one of the most unmixed despotisms now existing—a graduated despotism permeating every branch of society, and preserving the nation by the "three-fold cord of responsibility, fear, and isolation". I append this passage in full, containing as it does the best analysis I have yet read of the organism of the Chinese Government. Will the experience of Dr. Williams, a resident of China for thirty-seven years, learned in the language, literature and official usage of the country, a diplomatic employé of the Government of the United States for the past nine years, be cast aside as worthless because it does not agree with the theories of Chinese perfection? Yet this is the cruel and debasing system which compared to the democracy of America; this is the pagan despotism which Christians are now pledging themselves to sustain; this is the hoary civilization which the dormant powers of the world are united to perpetuate untainted and unadulterated.

It is unjust to Great Britain and derogatory to our own dignity to assume special merit for the forbearance with which we have always acted towards China. What advantages do we possess in China which have not been gained by the force employed by other Governments? The indemnity obtained by Mr. Reed for injuries inflicted upon our commerce was extorted by British arms; and we now enjoy the benefit of a surplus amounting to over two hundred thousand dollars, to which we have no more right. The American Minister is permitted to reside in Peking under the 2nd Article of the British Treaty and the 3rd Article of the French; and American citizens are permitted to travel in the interior (wherever they can travel) under the 9th Article of the British and the 8th Article of the French Treaty. It is absurd, therefore, to talk of an exclusive American interest, or to assume an influence over the Chinese

misunderstanding, breed wrangling, invite insult, arouse suspicion, and evoke an unexpressed, but action-inspiring scorn. I am not for coercion—I am not for truckling; I think the question ought to be looked at all round, and viewed broadly, and those points at which interference is expedient clearly distinguished from those at which it is inadmissible or likely to do harm. The West does not understand China, nor does China understand the West, and a just mean is surely to be found between the view of the men of the day in China, who want everything done in their time, and of those who, far away from China, oscillate between extreme exertion and extreme quietude. The best treatment for the future would seem to be found in that policy which insists that China shall scrupulously carry out her obligations, written and unwritten, to foreign powers, and which leaves her to develop internally after her own fashion; to insist on the first will accelerate improvement in the second; but to interfere in the second will introduce heterogeneous questions which are only too likely to work mischief for the first.

I stop here, not that I have exhausted the subject, but that I am likely to go beyond the ground intended to be covered by this note.

(Signed)

ROBERT HART.

because we stand in the background and become recipients of the bounty of other nations. If the principle of our interest is right—and I do not question its general propriety—it should be maintained without injustice to others, and not because we may be able to conserve the position we occupy, with its continued advantages of peace, and the profits without the expenses of war, to our own benefit. Indeed, there is no such thing as exclusive privileges or advantages in China except such as may result from the ordinary laws of trade. As Mr. Burlingame well observes, "By the favored nation clause in the treaties, no nation can gain by any sharp act of diplomacy any privilege not secured to all."

It is difficult to see any good reason why we should regret all the testimony furnished by experienced observers, and base our hopes of progress upon theories unsupported by facts.

No personal abuse for opinions honestly entertained by the undersigned, or by any other public officer, will remove the prejudices of the Chinese against our civilization; no amount of vituperation applied to our merchants and missionaries will impair their rights under existing treaties. If the Government of the United States performs its duty, it will give them the protection to which they are entitled.

(Signed)

J. ROSS BROWN.

EXTRACTS.

"Mr. Hart is appointed to his (Lay's) place, and I trust that the change will make the Custom House work more smoothly. He will reside on the coast, coming here when sent for on business, an arrangement which was found to work satisfactorily during Mr. Lay's absence in England. It is very desirable, with a view to the maintenance of the Custom House administration, that the head of it should not be permanently at Peking; for, if he is supposed to act as the adviser of the Chinese in matters not appertaining to his office, he thereby incurs the odium of the errors they commit". * * *—*Sir Frederick Bruce to Earl Russell, Peking, Nov. 27, 1863.—China Correspondence presented to both Houses of Parliament, 1864.*

November 23rd, 1863.

"After what had happened [the dismissal of Mr. Lay] we felt it to be our duty to urge upon them the expediency of not permitting the Inspector of Customs, or any other foreign employé, to reside at Peking in a quasi-diplomatic capacity. In this view they most heartily concurred, and immediately appointed Robert Hart, Esq., in the place of Mr. Lay, with instructions to reside at Shanghai". * * *—*Mr. Burlingame to Mr. Seward, July 5th, 1864.—[Diplomatic Correspondence, Part III, 1864, p. 436.]*

* * * "The present enlightened Government of China has advanced steadfastly along the path of progress, sustained, it is true, by the enlightened representatives of the Western powers now at Peking, guided and directed largely by a modest and able man, Mr. Hart, the Inspector of Customs, at the head of the Foreign employes of the

Empire of China".—*Report of Mr. Burlingame's Speech at the New York Legation, the Chinese Embassy, June 23rd, 1868.*

"A remark in reference to the new College here led Mr. Burlingame to Mr. Hart, Inspector-General of Maritime Customs, who has taken a leading part in its organization. He warned the Mandarins not to allow their confidence in it to be shaken by the misrepresentations of interested parties.

"*Wen-siang*—Such parties are actuated by malice and envy; the rats are not over friendly to the cats; but we are not inclined to listen to the rats.

"*Mr. Burlingame*—Though Mr. Hart is not a countryman of mine, I am sure that he is thoroughly honest, and a man of rare ability—one whom it would be difficult, if not impossible, for you to replace.

"*Wen-siang*—Mr. Hart was originally recommended by your Excellency; if he were removed, we should look to you to nominate a successor. But we have great value of Mr. Hart too thoroughly to think of superseding him. Fidelity always prevails over enemies".—*Memorandum of an interview between Mr. Burlingame and the Chinese Minister of Foreign Affairs, at the Foreign Office, October 21st, 1867.—Diplomatic Correspondence, Part I, 1867, p. 514.*

III.

R. J. BARR ROBERTSON'S LETTER TO THE "DAILY NEWS",

PUBLISHED IN ITS ISSUE OF FEBRUARY 28, 1868.

THE CHINESE EMBASSY TO ENGLAND.

[FROM OUR OWN CORRESPONDENT.]

SHANGHAI, *January 8, 1868.*

have now entered on the year fixed for the revision of the treaty with na ; and, as if in anticipation of it, the Chinese government have resolved send an embassy to the treaty powers, and thus directly to take the initiative representing their views to the different foreign governments. At the head the embassy is the Hon. Anson Burlingame, who is just retiring from the st of United States minister at Pekin, and accompanying him are Mr. M'Levy own, lately of the British Legation, Pekin, M. Deschamps, of the Chineseustoms' service, and two of the most energetic and best informed mandarins on the Foreign-office at Pekin. This unexpected movement that the Chinese authorities have made has naturally taken people here by surprise, and the reasons which have prompted this resolve have been variously stated and variously surmised. To those who see in the Chinese government nothing but a body of officials proud, ignorant, and deceitful, this new step seems an audacious effort to ward off further concessions by circumventing the foreign governments, or at least by putting off the evil day with empty parley and raceful delay. Regarding the Chinese mandarins as breathing hatred to foreigners, and as exasperated at the pollution of the sacred soil of the Celestial Empire by foreign barbarians, they, in their reciprocal unbending hostility to the Chinese, insist that no good thing can come out of Nazareth. On the other hand, to those who have unlearned the lesson of contempt and hatred for the Chinese, which unfortunately is much too common at Chinese treaty ports, the decided step which the Chinese government have taken is regarded as a sudden and unexpected awakening to their true position and duties as the governors of the largest and most homogeneous nation on the face of the earth. To the more sanguine of those entertaining this view, this seems the most significant and momentous step that the Chinese have taken for sixteen centuries ; and in the successful accomplishment of the present mission they hope for the introduction of China into the family of nations, and the up-springing of an intercourse with western races which will quicken the dormant intellect of China, and bestow upon its million hamlets the generous enlightenment of the west, and those practical arts which lighten toil and economise labour. The exact circumstances under which this mission originated are, I am credibly informed, as follows :—Mr. Burlingame was about to return to America with a view to resuming his position in the active home politics of the United States, and on this becoming known to the officials at the Chinese Foreign-office, with whom he had been coming into frequent contact during the last six years, they invited him to a farewell dinner. He was now the only minister at Pekin of those who had gone there when the representatives of the foreign powers first went to reside at the capital. Amongst the gracious expressions of regret at his departure and the polite hopes and wishes for his future well-being and prosperity, a desire was expressed that he would

endeavour to explain to his countrymen and others the exact position of the Chinese government in relation to their intercourse with foreigners. In the past they were fully cognizant of the fact that to a considerable extent foreigners in China, but particularly abroad, their position was misunderstood, and they expressed an earnest desire that a more correct appreciation of the facts of the case and of the difficulties by which they were surrounded should prevail amongst the foreign nations who are engaged in the China question. After such a long intimacy with themselves and such abundant opportunity for judging of their intentions and circumstances they thought that they should be able to explain satisfactorily to people abroad the dangers to the peace and stability of their own government which must arise from sudden changes for which the immense majority of the most powerful and influential states of China were totally unprepared. The changes they had already introduced were really revolutionary, considering the condition of the empire; and, while they were progressing, and were willing to progress, they could not lose sight of the important fact that upon them devolved the responsibility of governing the empire and maintaining it in its integrity, whereas foreigners who were not from any responsibility whatever, and but very little acquainted with the requirements, and political condition of China, called for changes without themselves perfectly assured that these changes would not, as had already been some instances been the case, prove detrimental to their own interests. They further urged that it was not necessary, and would be very unwise, to introduce every possible change that foreigners could conceive within the momentary space of ten years; but with a steady policy of gradual progress they would be able to advance with security to the empire, and with satisfaction to foreign governments who fairly considered the dangers and difficulties of their position. Finally, one of the leading mandarins suggested the advisability of his undertaking to represent their views to the foreign powers in his official capacity, but Mr. Burlingame treated this as one of those high compliments in which polite Chinese are wont to indulge, and the conversation turned on other subjects. The Chinese, however, knowing that Mr. Burlingame was preparing for immediate departure, addressed themselves to Mr. M. L. Brown, interpreter at the British Legation, and desired him to request Mr. Burlingame to postpone his departure for a few days, until they could make a proposal which they intended submitting to him. After some negotiation the matter was arranged, and the members of the embassy as above named were appointed by imperial decree, general instructions being at the same time given to them. The whole suite will amount to about thirty individuals, as the Chinese mandarins carry with them their doctors, cooks, &c., being apparently notwithstanding the fraternal sentiments which they go the way to express unwilling to throw themselves suddenly and unreservedly upon the uncertainties of western physic and cookery. The total travelling and other expenses of the embassy for a year will amount to about 20,000*l.*, of which Mr. Burlingame's salary is 8,000*l.* being a similar amount to that paid by the British Government to Sir Frederick Bruce when minister at Peking; Mr. Brown's about 2,000*l.*; and Mr. Deschamps' about 1,600*l.* As to the other details connected with this undertaking, I doubt much if they would have any interest for your readers.

This, then, may be regarded as embodying the leading facts with regard to the origin and nature of this embassy, as they have been circulated on official authority and responsibility. In an empire like China, where so much is shrouded in mystery, and so much is contradictory and inexplicable, it is hard for even the best informed and most experienced to read the signs of the times. The impenetrable veil which surrounds Chinese life and thought is not to be rudely drawn aside, and the inner motives and intentions are not to be laid bare. Of one thing, however, we are positively certain, and that is that an embassy has been appointed. Be the motives of the Chinese what they may.

here is a decided step to which they have set their seal, a step which directly compromises the Chinese government, and which is at least a beginning of the very policy which the foreign powers have been pressing upon the Chinese authorities, and one which has given satisfaction to the ministers resident at Peking. It is true it is an experiment; but the experiment is of that nature that the Chinese government, having once set their face to the plough, will have difficulty in looking back. And after the rude shocks which we have administered to the Chinese, and the domineering attitude which the foreign powers have all along necessarily maintained, can we wonder if the Chinese authorities do not rush forward on every winding and byroad of the path to which foreigners point them? Can we feel greatly surprised if what would be considered in Europe genuine patriotism causes the Chinese not to enjoy with enthusiasm the pleasure of being driven at the point of the bayonet to yield to the varied, and in some cases questionable, wishes of foreigners?

Yet, after all, perhaps the case against the Chinese officials is not quite so exasperating as too clamorous foreigners often persuade themselves, or, more correctly, endeavour to persuade others. The conditions of political and social life in China do not differ by the whole heavens from those existing in Europe—the difference is principally one of degree. Prejudice, trading, and a warmly cherished series of inherited customs form the substratum on which the political and social organisation of mankind is built up; but in China these stationary national elements are more universally and more highly developed than in Europe. Yet we insist on this slow-moving, unprogressive race outstripping both Europe and America in pursuit of unrestricted trade. We demonstrate to our ministers and governments the advantages of low tariffs, with a logic to which the United States, Canada, the continent of Europe, and Australia have as yet turned a deaf ear. Indeed, I may safely challenge a comparison of the China tariff with that of Canada, the United States, or Australia; but Canada, the United States, and Australia are in no danger of being taught logic at the point of the bayonet; being civilised, they are entitled to indulge their protective and prohibitive tastes. They may be wooed and won, but it must be by pearl necklaces; while China is treated to the fraternal embraces of the West by means of Armstrong guns and Enfield rifles. Yet, in addition to an almost unequalled low tariff, the Chinese can point to the immense river steamers which daily glide on the broad bosom of the Yangtze and steam eight hundred miles into the interior of their empire; they can point to an organised customs service of foreigners and Chinese under the directorship of Mr. Hart, which has attained a perfection and completeness not to be surpassed in Europe; they can point to a beginning in the purchase of gunboats, and to the establishment of arsenals where, under foreign supervision, Chinamen are taught to cast cannon, and to make every single part pertaining to rifles; they can point to the establishment of a college at Peking for the instruction by foreigners of a select body of their youth in European languages, art, and science; they can point to their adoption of Wheaton's international law, to the building of lighthouses, to the introduction of foreigners to drill their troops, to the survey of their coal-fields and mineral resources by a foreigner; to all this and much more they can point as the evidences of their progress since the treaty of Tientsin. And is this nothing amongst the most exclusive and most custom-ridden nation in existence? Do you think that in Great Britain you could introduce at once equally violent and stupendous changes in face of the time-worn prejudices of British Tories? Yet China is heavily weighted in her career of progress and concession. Weakened and shorn of much of its prestige by the repeated shocks and humiliations to which its armies have been subjected by foreigners, the benefits it has received from the introduction of foreign arms have been counterbalanced by the increased frequency and audacity of rebellion. Yet in spite of the formidable rebellion of the Taepings, which at one time threatened to split up the empire, if not to overthrow the

dynasty, and in spite of the chronic rebellion existing in different parts of China, the government have certainly in repeated instances confronted the hostility of the devotees of antiquity, and taken strides which must, to the worshippers of Confucian and Mencian doctrines, seem complete revolution, and must form a clear and irrevocable point of departure from many of the ancient and venerated traditions of the empire.

I am far from contending that there is no deceit in the Chinese heart, or that the Chinese are anxiously endeavouring to carry out in their integrity the views and wishes of foreigners; and I am far from thinking that foreigners should not endeavour to obtain beneficial concessions by upright and liberal treatment of the Chinese. But considering how invariably concessions extorted by force are evaded by Europeans, and naturally, and perhaps rightly so, can we expect that this haughty and egotistic nation will bend under the yoke in meek submission? If, armed with the common instincts of humanity, I were to place myself in the position of a Chinaman, I should, unless culpably negligent of my country's honour, feel bitter hostility to intruding foreigners who might come to impose on my country conditions favourable to their own trade, simply because in the superiority of their strength they could compel me to submit. I might yield from motives of expediency, but would I hasten to drink the cup of my humiliation to the very dregs? Yet in spite of the overweening conceit of Chinese Mandarins, they have taken some important steps which we are bound to interpret as signs of progress, and these probably in great measure because residence at Peking enabled Sir Frederick Bruce and Mr. Burlingame to introduce with the ultimate depositaries of power a peaceful and persuasive policy, instead of the compulsory policy which had formerly prevailed amongst foreign powers in China. Whether these forward movements are due to foreign pressure more than to perfectly spontaneous choice is of no very great consequence so long as they are accomplished facts, brought about by peaceful means, and without any need for resorting to force. They are valuable acquisitions for the moment, and they are an earnest of similar concessions for which we may not have long to wait. After an almost complete seclusion for thousands of years, the last ten years have seen momentous changes, and China now stands irrevocably committed in the eyes of the world to a progressive policy. To retrace her steps is impossible; ancient Cathay is now but a historic name—a thing of the past, upon which the outside world will for ages still linger with feelings of curiosity, and which it will invest with all the trappings of romance; but before us is the China of to-day bursting the cherished fetters of five thousand years, leaving behind, it may be with regret, the proud and hoary traditions which have for ages swayed the minds of hundreds of millions of human beings, and entering, it may be reluctantly, but still entering, on a career of national progress involving the future welfare of one-third of the human race.

IV.

"THE NEWS FROM THE NORTH".

A LEADING ARTICLE OF "THE CYCLE", OF JULY 2, 1870.

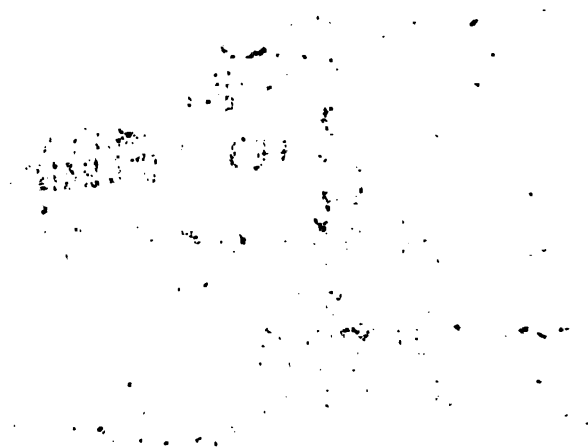
TIENTSIN.—The news from this port is of the most alarming and distressing character. The steamer *Dragon* arrived here on the 27th ultimo, reporting that, on the afternoon of the 21st ultimo, the French Cathedral and Consulate were burned, and the French Consul, several other Frenchmen, and the Sisters of Mercy, murdered. No particulars as to the mode of the attack, or as to the number and character of the assailants, have yet reached Shanghai; but there can be little doubt that the motive for the rising was the belief that the Roman Catholic priests and Sisters of Mercy either killed or mutilated, or improperly used, the children which, personally or by their agents, they collect from all parts of the country for instruction.

It is not uninteresting to observe how the tragic news that has just reached us from the north is received in the foreign settlement of Shanghai. We are a peculiar people, with strong prejudices, sometimes reasonable and sometimes baseless, and we express what we feel with great plainness of speech. For some time, there has been uneasiness in the country. Reports of acts of violence and aggression have poured in from various parts of the empire. The Yangchow trouble, the Formosa trouble, and others which engrossed a smaller share of public attention appeared to indicate, not obscurely, that the feelings of natives towards foreigners are not unexceptionally friendly. On this matter we hear various opinions expressed dogmatically, and we are astonished by the contrasts of sentiment that are presented to our notice. There is, however, one doctrine which is perpetually repeated. We mean the doctrine that the Chinese people, as a people, are thoroughly favourable to us. Newspaper writers have said this so frequently that they must be beginning to believe it. We hear that, if we once appealed to the masses, we should be sure of a favourable hearing. We are told, until the tale is as tiresome as the refrain of an often repeated song, that we are only objectionable to a small clique at Peking, and that the millions of this great empire are ready and eager to be hand and glove with us. It has been urged with an amazing energy of repetition that we have aggravated the interested aristocrats, but that if we made a fair appeal to the multitude we should be hailed as friends. Now, on a calm view of this recent transaction at Tientsin, we find that the matter arose, as far as we can learn, from the superstitious terrors of the mob, or rather, perhaps, to speak more correctly, from the inherent prejudices of the mob inflamed by a suggestion supplied by superstition. It is easy to blame the inefficiency of the Chinese authorities, and to censure their culpable neglect in fulfilling the duties of a sovereign body, but it is not fair and it is not logically possible to read the accounts of the Tientsin outrage, and to persevere in the opinion that the people are really well disposed to us. The matter lies in a very small space—the people are ignorant, and no ignorant throng have any sympathy with persons better informed than they are themselves. At Shanghai and all the treaty ports it is possible that there may be a friendly disposition towards foreigners in the breasts of the native traders, but we should not do wisely or well to presume on the existence of any very deeply rooted regard for us even in these exceptional localities. There is a wide gulf fixed between the Chinaman and the foreigner, and the ways of the one are not and cannot be the ways of the other. There is, of course, a strong commercial instinct in the shop-keeper and shroff population, and this induces

them to feel an artificial interest in the foreigner and his many ills. But the bond is one of silver and nothing else. The relations between Chinaman and the foreigner are fairly friendly in the office, but a sympathy we cannot pretend to discern a trace. If this and only this testimony of men who have resided at the out-ports, it is clear that the have seen Chinamen in places where they have never been brought into contact with foreigners on the basis of trade, will not be able to go a very short distance. In viewing the matter in all its bearings, we must forget that there is a large and influential class of men who cannot be expected to entertain any feelings towards western intruders save those of awe. The class to which we refer is the priesthood. It is very common for writers to speak of the Chinese as a people wholly destitute of the religious sentiment. We are told that they have no imagination and no susceptibility to the higher and purer impressions that are the privilege of men differently constituted. Yet, even granting all this for the sake of argument, they have their dirty hierarchy with its absolute submission as that which makes the Italian to kneel before his stately priest. The various colleges of Buddhists and Taoists that abound in China may have scanty political influence. The Middle Kingdom knows of no alliance between Church and State, yet they have no slight sway in directing popular opinion, and the people keep up through the medium of the priest a connection with a religious law and discipline. They at least retain an idea of them which often comes out with considerable result at particular times. This power might unquestionably be used for good, but it is easy to see that the priesthood in this country throws the weight of its authority into the scale on the mischievous side. The yellow-gowned shaven-headed really the scum of China. No more ignorant or degraded human beings than the monks who repeat the thousand names of Buddha, and strike drums and burn scented paper in the temples that crown nearly every hill. The lives of these men are so inert and vacant of any worthy and reasonable occupation, that it would be a standing miracle if they kept from sinking into an intellectual stupor. Such beings are alike suited to be the tools or the instigators of violence. So rarely is an idea implanted in their minds that when it is sown there, it quickly absorbs their whole being. Once set on fire against foreigners among the priests, and we may guess that it would like a fire over stubble fields. Taking these circumstances into consideration, we see a source to which all the troubles of which we have lately heard so much may very fairly be traced. None are so likely to foster superstitious beliefs as the men who earn their living by playing on the superstitions of the people, who, though ignorant, are yet sufficiently alive to their own interests to see that the spread of Christianity in any form must be their ruin. The memorable uproar that arose in Ephesus when the silver shrine makers heard for the first time of preachers of a faith which did not need such gewgaws, is a type of all religious tumults in idolatrous cities. But we must allow the blame to rest on the shoulders of those who are guilty. It is absolute injustice to charge the Peking cabinet, the Tsung-li Yamen, or any department of the Government, with the commission of acts so much more obviously foolish even than they are wicked. The offenders are the outcasts of the people, the men who come to the surface of society only in crises of danger and violence, the lazy bigotted priests who make the Cakyamouni and Lautzu subserve to sanction a degraded and artificial fetish worship. We must, however, face one fact connected with this outcry and the cry that has served to form the prelude to it. It seems absurd to us to imagine that grown men should believe the wild and monstrous tales that are circulated about the gouging out of dead men's eyes, and the employment of the breasts of female children for medicine, but such is the popular—we had almost written universal—belief. These doings are as real to the Chinese as the discoveries of modern science are to us. The servants who wait upon us, the clerks who shroff our dollars, the silk and tea men who come into our offices

polies who carry our chairs, and the officials from whom redress for outrage be sought, although they may acquit individual foreigners of practising fantastic enormities, yet devoutly believe that we are all fully capable of living in them.

It behoves us to bear these things in mind when we are talking or writing to China. We are too apt to regard stories of kidnapped children and closed eyes as follies and fancies. They are foolish and fanciful to us, but to native mind they are realities, and those who would act with intelligence in future difficulties that may arise must bear in mind that superstition is a power which may be evoked at any moment, and to which we are bound to give place in all calculations with regard to the probable effects of our policy.





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